English Translation of

Sunan An-Nasâ'i

Volume 4

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Contents

25. The Book Of *Jihâd*

26. The Book of Marriage

36. The Book of The Kind Treatment Of Women

27. The Book Of Divorce

28. The Book Of Horses, Races And Shooting

29. The Book Of Endowments *(Al-Iḥbâs)*

30. The Book Of Wills

31. The Book Of Presents *(An-Niḥal)*

32. The Book Of Gifts *(Al-Hibah)*

33. The Book Of *Ar-Ruqba*

34. The Book Of *'Umra* (LIfelong Gift)

35. The Book Of Oaths And Vows

The Book Of Agriculture

❖ ❖ ❖

In the Name of Allâh, the Most Beneficent, the Most Merciful

بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ

25. The Book Of *Jihâd*

(المعجم ٢٥) - كِتَابُ الجِهَادِ
(التحفة ٧)

Chapter 1. The Obligation Of *Jihâd*

(المعجم ١) - بَابُ وُجُوبِ الجِهَادِ
(التحفة ١)

3087. It was narrated that Ibn 'Abbâs said: "When the Prophet ﷺ was expelled from Makkah, Abû Bakr said to him: 'They have driven out their Prophet, verily to Allâh we belong and to Him we return. They are surely doomed.' Then it was revealed: 'Permission to fight (against disbelievers) is given to those (believers) who are fought against, because they have been wronged; and surely, Allâh is able to give them (believers) victory.'[1] Then I knew that there would be fighting." Ibn 'Abbâs said: "This is the first Verse that was revealed concerning fighting." *(Sahîh)*

٣٠٨٧ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ مُحَمَّدِ ابْنِ سَلَّامٍ قَالَ: حَدَّثَنَا إِسْحَاقُ الْأَزْرَقُ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَمَّا أُخْرِجَ النَّبِيُّ ﷺ مِنْ مَكَّةَ قَالَ أَبُو بَكْرٍ: أَخْرَجُوا نَبِيَّهُمْ إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ لَيَهْلِكُنَّ فَنَزَلَتْ: ﴿أُذِنَ لِلَّذِينَ يُقَٰتَلُونَ بِأَنَّهُمْ ظُلِمُوا۟ وَإِنَّ ٱللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ﴾ [الحج: ٣٩]. فَعَرَفْتُ أَنَّهُ سَيَكُونُ قِتَالٌ، قَالَ ابْنُ عَبَّاسٍ: فَهِيَ أَوَّلُ آيَةٍ نَزَلَتْ فِي الْقِتَالِ.

تخريج: [صحيح] أخرجه الترمذي، تفسير القرآن، باب: ومن سورة الحج، ح:٣١٧١ من حديث إسحاق بن يوسف الأزرق به، وهو في الكبرٰى، ح:٤٢٩٢، وصححه ابن حبان، ح:١٦٨٧، والحاكم:٢/٦٦، ٢٤٦، ٣٩٠ * سفيان هو الثوري، وتابعه شعبة (المستدرك للحاكم:٣/٧، ٨، وصححه على شرط الشيخين)، وقيس بن الربيع أيضًا:٢/٢٤٦ .

[1] *Al-Hajj* 22:39.

Comments:

Jihâd or striving in the cause of Allâh is an obligation from among the obligations of Islam. But there are various levels and categories of it. The author has made an effort to mention many of them.

3088. It was narrated from Ibn 'Abbâs that 'Abdur-Raḥmân bin 'Awf and some his companions came to the Prophet ﷺ in Makkah and said: "O Messenger of Allâh! We were respected when we were idolators and when we believed, we were humiliated." He said: "I have been commanded to pardon, so do not fight." Then, when Allâh caused us to move to Al-Madînah, He commanded us to fight, but they refrained. Then Allâh, the Mighty and Sublime, revealed: Have you not seen those who were told to hold back their hands (from fighting) and perform *As-Salâh*"[1] (*Ṣaḥîḥ*)

٣٠٨٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَلِيِّ بْنِ الْحَسَنِ بْنِ شَقِيقٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا الْحُسَيْنُ بْنُ وَاقِدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ عَبْدَ الرَّحْمٰنِ بْنَ عَوْفٍ وَأَصْحَابًا لَهُ أَتَوُا النَّبِيَّ ﷺ بِمَكَّةَ فَقَالُوا: يَا رَسُولَ اللهِ! إِنَّا كُنَّا فِي عِزٍّ وَنَحْنُ مُشْرِكُونَ فَلَمَّا آمَنَّا صِرْنَا أَذِلَّةً فَقَالَ: «إِنِّي أُمِرْتُ بِالْعَفْوِ فَلَا تُقَاتِلُوا». فَلَمَّا حَوَّلَنَا اللهُ إِلَى الْمَدِينَةِ أَمَرَنَا بِالْقِتَالِ فَكَفُّوا فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ: ﴿أَلَمْ تَرَ إِلَى الَّذِينَ قِيلَ لَهُمْ كُفُّوٓا أَيْدِيَكُمْ وَأَقِيمُوا الصَّلَوٰةَ﴾ [النساء: ٧٧].

تخريج: [إسناده صحيح] أخرجه الطبري في تفسيره: ٥/١٠٨ عن محمد بن علي بن الحسن به، وهو في الكبرٰى، ح: ٤٢٩٣، وصححه الحاكم: ٢/٦٦، ٣٠٧، ووافقه الذهبي.

Comments

Had the Muslims been permitted to resist or to retaliate in response at that time, the newly born movement of Islam and its priceless personages might have been exterminated. Instead, by commanding them to remain patient and forgiving, their power of endurance was enhanced to its immense height. Thus they became capable of enduring the hardships of the upcoming battles, and their moral training too, reached the pinnacle of its perfection.

3089. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'I have been sent with concise speech and I have been supported with fear. While I was sleeping, the keys to the treasures of the Earth were brought to me and placed in my hands.'" Abû Hurairah

٣٠٨٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا مُعْتَمِرٌ قَالَ: سَمِعْتُ مَعْمَرًا عَنِ الزُّهْرِيِّ قَالَ: قُلْتُ: عَنْ سَعِيدٍ؟ قَالَ: نَعَمْ عَنْ أَبِي هُرَيْرَةَ؛ ح وَأَخْبَرَنَا أَحْمَدُ بْنُ عَمْرِو ابْنِ السَّرْحِ وَ الْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ

[1] *An-Nisā'* 4:77.

said: "The Messenger of Allâh ﷺ has gone and you are acquiring them." (*Sahîh*)

وَأَنَا أَسْمَعُ - وَاللَّفْظُ لِأَحْمَدَ - قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ يُونُسَ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «بُعِثْتُ بِجَوَامِعِ الْكَلِمِ وَنُصِرْتُ بِالرُّعْبِ، وَبَيْنَا أَنَا نَائِمٌ أُتِيتُ بِمَفَاتِيحِ خَزَائِنِ الْأَرْضِ فَوُضِعَتْ فِي يَدِي» قَالَ أَبُو هُرَيْرَةَ: فَذَهَبَ رَسُولُ اللهِ ﷺ وَأَنْتُمْ تَنْتَثِلُونَهَا.

تخريج: أخرجه مسلم، المساجد، باب المساجد ومواضع الصلٰوة، ح:٥٢٣/٦ عن أحمد بن عمرو بن السرح به، وهو في الكبرٰى، ح:٤٢٩٤، ٤٢٩٥ .

Comments

'Placed in my hand' is an allusion to the conquests which came to pass in the near future, and the incredible treasures that fell into the hands of the Muslims. Abû Hurairah ﷺ too, allude to the same thing. Since these conquests were made by means of *Jihâd*, it is appropriate to bring this narration under this chapter.

3090. It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ" say a similar *Hadîth* (*Sahîh*)

٣٠٩٠ - أَخْبَرَنَا هَارُونُ بْنُ سَعِيدٍ عَنْ خَالِدِ بْنِ نِزَارٍ قَالَ: أَخْبَرَنِي الْقَاسِمُ بْنُ مَبْرُورٍ عَنْ يُونُسَ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ نَحْوَهُ.

تخريج: [صحيح] وهو في الكبرٰى، ح:٤٢٩٦، وانظر الحديث الآتي.

3091. It was narrated from Sa'eed bin Al-Musayyab and Salamah bin 'Abdur-Rahmân that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'I have been sent with concise speech, and I have been supported with fear. While I was sleeping, the keys to the treasures of the Earth were brought to me and placed in my hands.' Abû Hurairah said: The Messenger of

٣٠٩١ - أَخْبَرَنَا كَثِيرُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنِ الزُّبَيْدِيِّ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ ابْنِ عَبْدِ الرَّحْمٰنِ أَنَّ أَبَا هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «بُعِثْتُ بِجَوَامِعِ الْكَلِمِ وَنُصِرْتُ بِالرُّعْبِ وَبَيْنَا أَنَا نَائِمٌ أُتِيتُ بِمَفَاتِيحِ خَزَائِنِ الْأَرْضِ فَوُضِعَتْ فِي يَدِي». قَالَ أَبُو

Allâh ﷺ has gone and you are acquiring them." (*Ṣaḥîḥ*)

هُرَيْرَةَ: فَقَدْ ذَهَبَ رَسُولُ اللهِ ﷺ وَأَنْتُمْ تَنْتَثِلُونَهَا.

تخريج: أخرجه مسلم من حديث محمد بن حرب به، انظر الحديث المتقدم: ٣٠٨٩، وهو في الكبرٰى، ح: ٤٢٩٧.

3092. Sa'eed bin Al-Musayyab narrated that Abû Hurairah told him that the Messenger of Allâh ﷺ said: "I have been commanded to fight the people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says *Lâ ilâha illallâh*, his life and his property are safe from me, except by its right (in cases where Islamic laws apply), and his reckoning will be with Allâh." (*Ṣaḥîḥ*)

٣٠٩٢ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ أَنَّ أَبَا هُرَيْرَةَ أَخْبَرَهُ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلٰهَ إِلَّا اللهُ فَمَنْ قَالَ لَا إِلٰهَ إِلَّا اللهُ عَصَمَ مِنِّي مَالَهُ وَنَفْسَهُ إِلَّا بِحَقِّهِ وَحِسَابُهُ عَلَى اللّٰهِ».

تخريج: أخرجه البخاري، الجهاد والسير، باب دعاء النبي ﷺ إلى الإسلام والنبوة . . . إلخ، ح: ٢٩٤٦، ومسلم، الإيمان، باب الأمر بقتال الناس حتى يقولوا لا إلٰه إلا الله محمد رسول الله . . . . إلخ، ح: ٢١ من حديث ابن شهاب به، أخرجه مسلم من حديث عبدالله بن وهب به، وهو في الكبرٰى، ح: ٤٢٩٨ .

Comments

'Except by its': Means any legal punishment or retribution required by law.

3093. It was narrated that Abû Hurairah said: "When the Messenger of Allâh ﷺ died and Abû Bakr was appointed as the *Khalifah*, and some of the 'Arabs disbelieved, 'Umar said: 'O Abû Bakr! How can you fight the people when the Messenger of Allâh ﷺ said: I have been commanded to fight the people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says *Lâ ilâha illallâh*, his life and his property are safe from me, except for its right, and his reckoning will

٣٠٩٣ - أَخْبَرَنَا كَثِيرُ بْنُ عُبَيْدٍ عَنْ مُحَمَّدِ ابْنِ حَرْبٍ، عَنِ الزُّبَيْدِيِّ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: لَمَّا تُوُفِّيَ رَسُولُ اللهِ ﷺ وَاسْتُخْلِفَ أَبُو بَكْرٍ! وَكَفَرَ مَنْ كَفَرَ مِنَ الْعَرَبِ قَالَ عُمَرُ: يَا أَبَا بَكْرٍ! كَيْفَ تُقَاتِلُ النَّاسَ وَقَدْ قَالَ رَسُولُ اللهِ ﷺ: «أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلٰهَ إِلَّا اللهُ فَمَنْ قَالَ: لَا إِلٰهَ إِلَّا اللهُ عَصَمَ مِنِّي نَفْسَهُ وَمَالَهُ إِلَّا بِحَقِّهِ وَحِسَابُهُ عَلَى اللّٰهِ؟» قَالَ أَبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ: وَاللّٰهِ! لَأُقَاتِلَنَّ

be with Allâh?' Abû Bakr, may Allâh be pleased with him, said: 'By Allâh, I will surely fight those who separate prayer and *Zakâh*, for *Zakâh* is what is due on wealth. By Allâh, if they withhold from me a small she-goat that they used to give to the Messenger of Allâh ﷺ I will fight them for withholding it.' ('Umar said) 'By Allâh, when I realized that Allâh, the Mighty and Sublime, had opened the chest of Abû Bakr to fighting, then I knew that it was the truth.'" (*Ṣaḥîḥ*)

مَنْ فَرَّقَ بَيْنَ الصَّلَاةِ وَالزَّكَاةِ فَإِنَّ الزَّكَاةَ حَقُّ الْمَالِ، وَاللَّهِ! لَوْ مَنَعُونِي عَنَاقًا كَانُوا يُؤَدُّونَهَا إِلَى رَسُولِ اللهِ ﷺ لَقَاتَلْتُهُمْ عَلَى مَنْعِهَا، فَوَاللَّهِ! مَا هُوَ إِلَّا أَنْ رَأَيْتُ اللهَ عَزَّ وَجَلَّ قَدْ شَرَحَ صَدْرَ أَبِي بَكْرٍ لِلْقِتَالِ وَعَرَفْتُ أَنَّهُ الْحَقُّ.

تخريج: [صحيح] تقدم، ح:٢٤٤٥، وهو في الكبرى، ح:٤٢٩٩ .

Comments

This narration and its elucidation have preceded. (See *Ḥadîth* 2445)

What he meant to state was that I am not at all prepared to allow any reduction or change to take place in the matter of the payment of *Zakâh*.

3094. It was narrated from 'Ubaidullâh bin 'Abdullâh bin 'Utbah bin Mas'ûd that Abû Hurairah said: "When the Messenger of Allâh ﷺ died and Abû Bakr (was appointed *Khalifah*) after him, and some of the 'Arabs disbelieved, 'Umar, may Allâh be pleased with him, said: 'O Abû Bakr, how can you fight the people when the Messenger of Allâh ﷺ said: I have been commanded to fight the people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says *Lâ ilâha illallâh*, his life and his property are safe from me, except for its right, and his reckoning will be with Allâh?'" Abû Bakr, may Allâh be pleased with him, said: "I will surely fight those who separate prayer and

٣٠٩٤ - أَخْبَرَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ مُغِيرَةَ قَالَ: حَدَّثَنَا عُثْمَانُ بْنُ سَعِيدٍ عَنْ شُعَيْبٍ، عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ؛ ح وَأَخْبَرَنَا كَثِيرُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ شُعَيْبٍ قَالَ: حَدَّثَنِي الزُّهْرِيُّ عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ أَنَّ أَبَا هُرَيْرَةَ قَالَ: لَمَّا تُوُفِّيَ رَسُولُ اللهِ ﷺ وَكَانَ أَبُو بَكْرٍ بَعْدَهُ وَكَفَرَ مَنْ كَفَرَ مِنَ الْعَرَبِ قَالَ عُمَرُ رَضِيَ اللهُ عَنْهُ: يَا أَبَا بَكْرٍ! كَيْفَ تُقَاتِلُ النَّاسَ وَقَدْ قَالَ رَسُولُ اللهِ ﷺ: «أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلَهَ إِلَّا اللهُ فَمَنْ قَالَ لَا إِلَهَ إِلَّا اللهُ فَقَدْ عَصَمَ مِنِّي مَالَهُ وَنَفْسَهُ إِلَّا بِحَقِّهِ وَحِسَابُهُ عَلَى اللَّهِ». قَالَ أَبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ: لَأُقَاتِلَنَّ مَنْ فَرَّقَ بَيْنَ الصَّلَاةِ

وَالزَّكَاةِ فَإِنَّ الزَّكَاةَ حَقُّ الْمَالِ، وَاللَّهِ! لَوْ مَنَعُونِي عَنَاقًا كَانُوا يُؤَدُّونَهَا إِلَى رَسُولِ اللهِ ﷺ لَقَاتَلْتُهُمْ عَلَى مَنْعِهَا قَالَ عُمَرُ: فَوَاللَّهِ! مَا هُوَ إِلَّا أَنْ رَأَيْتُ أَنَّ اللهَ عَزَّ وَجَلَّ شَرَحَ صَدْرَ أَبِي بَكْرٍ لِلْقِتَالِ فَعَرَفْتُ أَنَّهُ الْحَقُّ، وَاللَّفْظُ لِأَحْمَدَ.

Zakâh, for *Zakâh* is what is due on wealth. By Allâh, if they withhold from me a small she-goat that they used to give to the Messenger of Allâh ﷺ I will fight them for withholding it.' ('Umar said) 'By Allâh, when I realized that Allâh, the Mighty and Sublime, had opened the chest of Abû Bakr to fighting, then I knew that it was the truth.''' The wording is that of Aḥmad. (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح:٢٤٤٥، وهو في الكبرى، ح:٤٣٠٠.

٣٠٩٥ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا مُؤَمَّلُ بْنُ الْفَضْلِ قَالَ: حَدَّثَنَا الْوَلِيدُ قَالَ: حَدَّثَنِي شُعَيْبُ بْنُ أَبِي حَمْزَةَ وَسُفْيَانُ ابْنُ عُيَيْنَةَ وَذَكَرَ آخَرَ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: لَمَّا جَمَعَ أَبُو بَكْرٍ لِقِتَالِهِمْ فَقَالَ عُمَرُ: يَا أَبَا بَكْرٍ! كَيْفَ تُقَاتِلُ النَّاسَ وَقَدْ قَالَ رَسُولُ اللهِ ﷺ: «أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلٰهَ إِلَّا اللهُ فَإِذَا قَالُوهَا عَصَمُوا مِنِّي دِمَاءَهُمْ وَأَمْوَالَهُمْ إِلَّا بِحَقِّهَا؟» قَالَ أَبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ: لَأُقَاتِلَنَّ مَنْ فَرَّقَ بَيْنَ الصَّلَاةِ وَالزَّكَاةِ، وَاللَّهِ! لَوْ مَنَعُونِي عَنَاقًا كَانُوا يُؤَدُّونَهَا إِلَى رَسُولِ اللهِ ﷺ لَقَاتَلْتُهُمْ عَلَى مَنْعِهَا. قَالَ عُمَرُ رَضِيَ اللهُ عَنْهُ: فَوَاللَّهِ! ما هُوَ إِلَّا أَنْ رَأَيْتُ أَنَّ اللهَ تَعَالَى قَدْ شَرَحَ صَدْرَ أَبِي بَكْرٍ لِقِتَالِهِمْ فَعَرَفْتُ أَنَّهُ الْحَقُّ.

3095. It was narrated that Abû Hurairah said: "When Abû Bakr mobilized to fight them, 'Umar said: 'O Abû Bakr, how can you fight the people when the Messenger of Allâh ﷺ said: "I have been commanded to fight the people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says *Lâ ilâha illallâh*, his life and his property are safe from me, except for its right, and his reckoning will be with Allâh?''' Abû Bakr, may Allah be pleased with him, said: 'By Allâh, I will surely fight those who separate prayer and *Zakâh*, for *Zakâh* is what is due on wealth. By Allâh, if they withhold from me a small she-goat that they used to give to the Messenger of Allâh ﷺ I will fight them for withholding it.' ('Umar said) 'By Allâh, when I realized that Allâh, the Most High, had opened the chest of Abû Bakr to fighting them, then I knew that it was the truth.''' (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح:٢٤٤٥، وهو في الكبرى، ح:٤٣٠١.

3096. It was narrated that Anas bin Mâlik said: "When the Messenger of Allâh ﷺ died, some of the 'Arabs apostatized. 'Umar said: 'O Abû Bakr, how can you fight the 'Arabs? Abû Bakr ؓ said: 'The Messenger of Allâh ﷺ said: I have been commanded to fight the people until they testify that *Lâ ilâha illallâh* (there is none worthy of worship except Allâh) and that I am the Messenger of Allâh, and establish prayer and pay *Zakâh*?' By Allâh, if they withhold from me a small she-goat that they used to give to the Messenger of Allâh ﷺ I will fight them for withholding it.' ('Umar said) 'By Allâh, when I realized that (Abû) Bakr was confident about this idea, then I knew that this was the truth.'" (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: 'Imrân Al-Qaṭṭân is not strong in *Ḥadîth*, and this narration is a mistake. The one that is before it is the correct narration of Az-Zuhrî, from 'Ubaidullâh bin 'Abdullâh bin 'Utbah, from Abû Hurairah.

٣٠٩٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا عَمْرُو بْنُ عَاصِمٍ قَالَ: حَدَّثَنَا عِمْرَانُ أَبُو الْعَوَّامِ الْقَطَّانُ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: لَمَّا تُوُفِّيَ رَسُولُ اللهِ ﷺ ارْتَدَّتِ الْعَرَبُ، قَالَ عُمَرُ: يَا أَبَا بَكْرٍ! كَيْفَ تُقَاتِلُ الْعَرَبَ؟ فَقَالَ أَبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ: إِنَّمَا قَالَ رَسُولُ اللهِ ﷺ: «أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَشْهَدُوا أَنْ لَا إِلٰهَ إِلَّا اللهُ وَأَنِّي رَسُولُ اللهِ وَيُقِيمُوا الصَّلَاةَ وَيُؤْتُوا الزَّكَاةَ» وَاللّٰهِ! لَوْ مَنَعُونِي عَنَاقًا مِمَّا كَانُوا يُعْطُونَ رَسُولَ اللهِ ﷺ لَقَاتَلْتُهُمْ عَلَيْهِ، قَالَ عُمَرُ رَضِيَ اللهُ عَنْهُ: فَلَمَّا رَأَيْتُ رَأْيَ [أَبِي] بَكْرٍ قَدْ شُرِحَ عَلِمْتُ أَنَّهُ الْحَقُّ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: عِمْرَانُ الْقَطَّانُ لَيْسَ بِالْقَوِيِّ فِي الْحَدِيثِ وَهٰذَا الْحَدِيثُ خَطَأٌ، وَالَّذِي قَبْلَهُ الصَّوَابُ حَدِيثُ الزُّهْرِيِّ عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ عُتْبَةَ، عَنْ أَبِي هُرَيْرَةَ.

تخريج: [صحيح] وهو في الكبرى، ح:٤٣٠٢، وللحديث طرق عن أنس، انظر، ح:٣٩٧١، ٣٩٧٢، ٥٠٠٦ وغيرها.

Comments

'Apostatized': Apostates are of many kinds, but here the conflict is concerning those who refused to pay *Zakâh*, who maintained that the *Zakâh* was to be paid specifically to the Messenger of Allâh ﷺ, and that no one else could levy it.

3097. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: "I have been commanded to fight the

٣٠٩٧ - أَخْبَرَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْمُغِيرَةِ قَالَ: حَدَّثَنَا عُثْمَانُ عَنْ شُعَيْبٍ، عَنِ

الزُّهْرِيِّ؛ ح وَأَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدِ ابْنِ كَثِيرٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ أَنَّ أَبَا هُرَيْرَةَ أَخْبَرَهُ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَقُولُوا لَا إِلٰهَ إِلَّا اللهُ فَمَنْ قَالَهَا فَقَدْ عَصَمَ مِنِّي نَفْسَهُ وَمَالَهُ إِلَّا بِحَقِّهِ وَحِسَابُهُ عَلَى اللَّهِ».

people until they say *Lâ ilâha illallâh* (there is none worthy of worship except Allâh). Whoever says it, his life and his property are safe from me, except for its right, and his reckoning will be with Allâh." (***Ṣaḥîḥ***)

تخريج: أخرجه البخاري، الجهاد، باب دعاء النبي ﷺ إلى الإسلام والنبوة ... إلخ، ح:٢٩٤٦ من حديث شعيب به، وهو في الكبرٰى، ح:٤٣٠٣.

٣٠٩٨ - **أَخْبَرَنَا** هَارُونُ بْنُ عَبْدِ اللهِ وَمُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَا: حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا حَمَّادُ بْنُ سَلَمَةَ: حَدَّثَنِي حُمَيْدٌ عَنْ أَنَسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «جَاهِدُوا الْمُشْرِكِينَ بِأَمْوَالِكُمْ وَأَيْدِيكُمْ وَأَلْسِنَتِكُمْ».

3098. It was narrated from Anas that the Prophet ﷺ said: "Strive against the idolators with your wealth, your hands and your tongues."[1] (***Ḍa'îf***)

تخريج: [إسناده ضعيف] أخرجه أبو داود، الجهاد، باب كراهية ترك الغزو، ح:٢٥٠٤ من حديث حماد بن سلمة به، وهو في الكبرٰى، ح:٤٣٠٤، وصححه ابن حبان، ح:١٦١٨، والنووي في رياض الصالحين، والحاكم:٢/ ٨١ على شرط مسلم، ووافقه الذهبي * حميد الطويل عنعن تقدم، ح:٧٢٩، وللحديث شواهد معنوية.

(المعجم ٢) - التَّشْدِيدُ فِي تَرْكِ الجِهَادِ (التحفة ٢)

Chapter 2. Stern Warning Against Forsaking *Jihâd*

٣٠٩٩ - **أَخْبَرَنَا** عَبْدَةُ بْنُ عَبْدِالرَّحِيمِ قَالَ: حَدَّثَنَا سَلَمَةُ بْنُ سُلَيْمَانَ قَالَ: أَخْبَرَنَا ابْنُ الْمُبَارَكِ قَالَ: حَدَّثَنَا وُهَيْبٌ - يَعْنِي ابْنَ الْوَرْدِ - قَالَ: أَخْبَرَنِي عُمَرُ بْنُ مُحَمَّدِ بْنِ

3099. It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever dies without having fought or having thought of fighting, he dies on one of the branches of hypocrisy." (***Ṣaḥîḥ***)

[1] *Its chain has defects while its meaning is supported by other chains.*

الْمُنْكَدِرِ عَنْ سُمَيٍّ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ مَاتَ وَلَمْ يَغْزُ وَلَمْ يُحَدِّثْ نَفْسَهُ بِغَزْوٍ مَاتَ عَلَى شُعْبَةِ نِفَاقٍ».

تخريج: أخرجه مسلم، الإمارة، باب ذم من مات ولم يغزو، ولم يحدث نفسه بالغزو، ح: ١٩١٠ من حديث عبدالله بن المبارك به، وهو في الكبرٰى، ح: ٤٣٠٥ .

Chapter 3. Concession Allowing A Person Not To Join A Campaign

(المعجم ٣) - **الرُّخْصَةُ فِي التَّخَلُّفِ عَنِ السَّرِيَّةِ** (التحفة ٣)

3100. Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'By the One in Whose hand is my soul, were it not for the fact that there are some believing men who would not feel happy to stay behind (when I go out on a campaign) and I do not have the means to provide them with mounts (so that they can join me), I would not have stayed behind from any campaign or battle in the cause of Allâh. By the One in Whose hand is my soul, I wish that I could be killed in the cause of Allâh, then brought back to life, then be killed, then be brought back to life, then be killed then be brought back to life, then be killed.'" (*Ṣaḥîḥ*)

٣١٠٠ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنِ الْوَزِيرِ بْنِ سُلَيْمَانَ عَنِ ابْنِ عُفَيْرٍ، عَنِ اللَّيْثِ، عَنِ ابْنِ الْمُسَافِرِ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمٰنِ وَسَعِيدِ بْنِ الْمُسَيَّبِ أَنَّ أَبَا هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «وَالَّذِي نَفْسِي بِيَدِهِ! لَوْلَا أَنَّ رِجَالًا مِنَ الْمُؤْمِنِينَ لَا تَطِيبُ أَنْفُسُهُمْ أَنْ يَتَخَلَّفُوا عَنِّي وَلَا أَجِدُ مَا أَحْمِلُهُمْ عَلَيْهِ مَا تَخَلَّفْتُ عَنْ سَرِيَّةٍ تَغْزُو فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ وَالَّذِي نَفْسِي بِيَدِهِ! لَوَدِدْتُ أَنِّي أُقْتَلُ فِي سَبِيلِ اللهِ ثُمَّ أُحْيَا، ثُمَّ أُقْتَلُ ثُمَّ أُحْيَا، ثُمَّ أُقْتَلُ ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ».

تخريج: أخرجه البخاري، التمني، باب ماجاء في التمني ومن تمنى الشهادة، ح: ٧٢٢٦ من حديث الليث بن سعد به، وهو في الكبرٰى، ح: ٤٣٠٦ .

Comments

1. The benefit of longing for martyrdom is that he would gain the recompense, whether he dies in bed. Thus, Allâh, Most High, would bestow on him the rank of the martyr.
2. We learn that it is not essential for everyone to go forth to the battlefield. One should essentially pay proper regard to the means and necessities.

Chapter 4. The Superiority Of The *Mujâhidîn* Over Those Who Do Not Go Out To Fight

(المعجم ٤) - فَضْلُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ (التحفة ٤)

3101. It was narrated that Sahl bin Sa'd said: "I saw Marwân bin Al-Ḥakam sitting and I came and sat with him. He told us that Zaid bin Thâbit told him, that the following was revealed to Allâh's Messenger ﷺ: (Not equal are those of the believers who sit (at home) and those who strive hard and fight in the cause of Allâh), then Ibn Umm Maktûm came when he was dictating it to me (Zaid), and said: 'O Messenger of Allâh! If I were able to go for *Jihâd* I would go out for *Jihâd*.' Then Allâh, the Mighty and Sublime, revealed to him – while his thigh was against mine, and became so heavy that I thought my thigh would break, until (the revelation) stopped – : 'Except those who are disabled (by injury or are blind or lame).'"[1] (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: This 'Abdur-Raḥmân bin Isḥâq is tolerable, while 'Abdur-Raḥmân bin Isḥâq, from whom reports 'Alî bin Mushir, Abû Mu'âwiyah, and 'Abdul-Wâḥid bin Ziyâd from An-Nu'mân bin Sa'd – he is not trustworthy.

٣١٠١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ بَزِيعٍ قَالَ: حَدَّثَنَا بِشْرٌ - يَعْنِي ابْنَ الْمُفَضَّلِ - قَالَ: أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ إِسْحَاقَ عَنِ الزُّهْرِيِّ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: رَأَيْتُ مَرْوَانَ بْنَ الْحَكَمِ جَالِسًا فَجِئْتُ حَتَّى جَلَسْتُ إِلَيْهِ فَحَدَّثَنَا أَنَّ زَيْدَ بْنَ ثَابِتٍ حَدَّثَهُ: أَنَّ رَسُولَ اللهِ ﷺ أُنْزِلَ عَلَيْهِ (لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ) فَجَاءَ ابْنُ أُمِّ مَكْتُومٍ وَهُوَ يُمِلُّهَا عَلَيَّ فَقَالَ: يَا رَسُولَ اللهِ! لَوْ أَسْتَطِيعُ الْجِهَادَ لَجَاهَدْتُ فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ وَفَخِذُهُ عَلَى فَخِذِي فَثَقُلَتْ عَلَيَّ حَتَّى ظَنَنْتُ أَنْ سَتُرَضُّ فَخِذِي ثُمَّ سُرِّيَ عَنْهُ ﴿غَيْرُ أُوْلِي ٱلضَّرَرِ﴾ [النساء: ٩٥].

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: عَبْدُ الرَّحْمٰنِ بْنُ إِسْحَاقَ هٰذَا لَيْسَ بِهِ بَأْسٌ، وَعَبْدُ الرَّحْمٰنِ بْنُ إِسْحَاقَ يَرْوِي عَنْهُ عَلِيُّ بْنُ مُسْهِرٍ وَأَبُو مُعَاوِيَةَ وَعَبْدُ الْوَاحِدِ بْنُ زِيَادٍ عَنِ النُّعْمَانِ بْنِ سَعْدٍ لَيْسَ بِثِقَةٍ.

تخريج: أخرجه البخاري، الجهاد والسير، باب قول الله عزوجل: ﴿لا يستوي القاعدون من المؤمنين غير أولى الضرر ...﴾ إلخ"، ح: ٢٨٣٢ من حديث الزهري به، وهو في الكبرٰى، ح: ٤٣٠٧.

Comments

Ibn Maktûm was blind. A blind man is called 'Maktûm' in Arabic. There is a

[1] *An-Nisâ' 4:95.*

disagreement concerning his real name. The majority of researchers have shown it to be Abdullah. Some have stated 'Umar also. And Allâh knows best!

3102. It was narrated that Ibn Shihâb said: "Sahl bin Sa'd said: 'I saw Marwân sitting in the *Masjid* so I went and sat beside him, and he told us that Zaid bin Thâbit had told him, that the Messenger of Allâh ﷺ dictated to him the words: [Not equal are those of the believers who sit (at home) and those who strive hard and fight in the cause of Allâh]. Then Ibn Umm Maktûm came to him while he was dictating it to me (Zaid) and said: 'O Messenger of Allâh! If I were able to go for *Jihâd* I would go out for *Jihâd*.' But he was a blind man. Then Allâh revealed to His Messenger ﷺ – while his thigh was against my thigh, and (it became so heavy that) I thought my thigh would break, then it was lifted from him, and Allâh, the Mighty and Sublime, revealed: 'Except those who are disabled (by injury or are blind or lame).'"[1] (*Sahîh*)

٣١٠٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ عَبْدِ اللهِ قَالَ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ قَالَ: حَدَّثَنِي أَبِي عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ قَالَ: حَدَّثَنِي سَهْلُ بْنُ سَعْدٍ قَالَ: رَأَيْتُ مَرْوَانَ جَالِسًا فِي الْمَسْجِدِ فَأَقْبَلْتُ حَتَّى جَلَسْتُ إِلَى جَنْبِهِ فَأَخْبَرَنَا أَنَّ زَيْدَ بْنَ ثَابِتٍ أَخْبَرَهُ: أَنَّ رَسُولَ اللهِ ﷺ أَمْلَى عَلَيْهِ (لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ) قَالَ: فَجَاءَهُ ابْنُ أُمِّ مَكْتُومٍ وَهُوَ يُمِلُّهَا عَلَيَّ فَقَالَ: يَا رَسُولَ اللهِ! لَوْ أَسْتَطِيعُ الْجِهَادَ لَجَاهَدْتُ وَكَانَ رَجُلًا أَعْمَى، فَأَنْزَلَ اللهُ عَلَى رَسُولِهِ ﷺ وَفَخِذُهُ عَلَى فَخِذِي حَتَّى هَمَّتْ تَرُضُّ فَخِذِي ثُمَّ سُرِّيَ عَنْهُ فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ ﴿غَيْرُ أُوْلِي ٱلضَّرَرِ﴾ [النساء: ٩٥].

تخريج: أخرجه البخاري من حديث إبراهيم بن سعد به (انظر الحديث السابق)، وهو في الكبرى، ح: ٤٣٠٨ * صالح هو ابن كيسان.

3103. It was narrated from Al-Barâ' that the Prophet ﷺ said: "Bring me a shoulder blade of a camel, or a tablet, and write: Not equal are those of the believers who sit (at home)."[2] 'Amr bin

٣١٠٣ - أَخْبَرَنَا نَصْرُ بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا [مُعْتَمِرٌ] عَنْ أَبِيهِ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ: أَنَّ النَّبِيَّ ﷺ، ثُمَّ ذَكَرَ كَلِمَةً مَعْنَاهَا قَالَ: «ائْتُونِي بِالْكَتِفِ وَاللَّوْحِ فَكَتَبَ

[1] *An-Nisâ'* 4:95.

[2] *An-Nisâ'* 4:95.

﴿لَّا يَسْتَوِى ٱلْقَٰعِدُونَ مِنَ ٱلْمُؤْمِنِينَ﴾ [النساء: ٩٥] وَعَمْرُو بْنُ أُمِّ مَكْتُومٍ خَلْفَهُ فَقَالَ: هَلْ - يَعْنِي - لِي رُخْصَةٌ؟ فَنَزَلَتْ ﴿غَيْرُ أُوْلِي ٱلضَّرَرِ﴾.

Umm Maktûm was behind him and he said: "Is there a concession for me?" Then the following was revealed: "Except those who are disabled (by injury or are blind or lame)."[1] (*Ṣaḥîḥ*)

تخريج: [**صحيح**] أخرجه الترمذي، الجهاد، باب ماجاء في أهل العذر في القعود، ح:١٦٧٠ عن نصر بن علي الجهضمي به، وقال: "حسن صحيح"، وهو في الكبرٰى، ح:٤٣١٠، وأخرجه البخاري، ح:٢٨٣١، ٤٥٩٣، ٤٥٩٤، ٤٩٩٠، ومسلم، ح:١٨٩٨/ ١٤١ من حديث أبي إسحاق به، وصرح بالسماع * المعتمر هو ابن سليمان التيمي.

٣١٠٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ قَالَ: لَمَّا نَزَلَتْ ﴿لَّا يَسْتَوِى ٱلْقَٰعِدُونَ مِنَ ٱلْمُؤْمِنِينَ﴾ جَاءَ ابْنُ أُمِّ مَكْتُومٍ وَكَانَ أَعْمَى، فَقَالَ: يَا رَسُولَ اللهِ! فَكَيْفَ فِيَّ وَأَنَا أَعْمَى قَالَ: فَمَا بَرِحَ حَتَّى نَزَلَتْ ﴿غَيْرُ أُوْلِي ٱلضَّرَرِ﴾ [النساء: ٩٥].

3104. It was narrated that Al-Barâ' said: "When the following was revealed: 'Not equal are those of the believers who sit (at home),'[2] Ibn Umm Maktûm, who was blind, came and said: 'O Messenger of Allâh, what about me? I am blind.' He said: 'He did not leave before the following was revealed: Except those who are disabled (by injury or are blind or lame).'"[3] (*Ṣaḥîḥ*)

تخريج: [**صحيح**] وهو في الكبرٰى، ح:٤٣٠٩ * أبوبكر بن عياش تابعه الثوري وشعبة وغيرهما، انظر الحديث السابق.

Chapter 5. Concession Allowing The One Who Has Two Parents To Stay Behind

(المعجم ٥) - الرُّخْصَةُ فِي التَّخَلُّفِ لِمَنْ لَهُ وَالِدَانِ (التحفة ٥)

٣١٠٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى عَنْ يَحْيَى بْنِ سَعِيدٍ عَنْ سُفْيَانَ وَشُعْبَةَ قَالَا: حَدَّثَنَا حَبِيبُ بْنُ أَبِي ثَابِتٍ عَنْ أَبِي الْعَبَّاسِ، عَنْ عَبْدِ اللهِ بْنِ عَمْرٍو قال: جَاءَ رَجُلٌ إِلَى رَسُولِ اللهِ ﷺ يَسْتَأْذِنُهُ فِي الْجِهَادِ فَقَالَ:

3105. It was narrated that 'Abdullâh bin 'Amr said: "A man came to the Messenger of Allâh ﷺ and asked him for permission to go for *Jihâd*. He said: 'Are your parents alive?' He said: 'Yes.' He said: 'Then strive for their sake.'" (*Ṣaḥîḥ*)

[1] *An-Nisâ'* 4:95.
[2] *An-Nisâ'* 4:95.
[3] *An-Nisâ'* 4:95.

«أَحَيٌّ وَالِدَاكَ؟» قَالَ: نَعَمْ قَالَ: «فَفِيهِمَا فَجَاهِدْ».

تخريج: أخرجه البخاري، الأدب، باب: لا يجاهد إلا بإذن الأبوين، ح:٥٩٧٢ من حديث يحيى بن سعيد، ومسلم، البر والصلة، باب بر الوالدين وأيهما أحق به، ح:٢٥٤٩ عن محمد بن المثنى من حديث يحيى القطان به، وهو في الكبرٰى، ح:٤٣١١ .

Comments

1. If one's staying at home is necessary, for instance, to look after one's parents, etc., then one should not proceed for *Jihâd*.
2. Then strive... means the fulfillment of the household obligations is more important for him than going for *Jihâd*. Therefore, even for fulfilling these obligations, he would be given the recompense of *Jihâd*.

Chapter 6. Concession Allowing One Who Has A Mother To Stay Behind

(المعجم ٦) - الرُّخْصَةُ فِي التَّخَلُّفِ لِمَنْ لَهُ وَالِدَةٌ (التحفة ٦)

3106. It was narrated from Mu'âwiyah bin Jâhimah As-Sulamî, that Jâhimah came to the Prophet ﷺ and said: "O Messenger of Allâh! I want to go out and fight (in *Jihâd*) and I have come to ask your advice." He said: "Do you have a mother?" He said: "Yes." He said: "Then stay with her, for Paradise is beneath her feet." (*Ṣaḥîḥ*)

٣١٠٦ - أَخْبَرَنَا عَبْدُ الْوَهَّابِ بْنُ عَبْدِ الْحَكَمِ الْوَرَّاقُ قَالَ: حَدَّثَنَا حَجَّاجٌ عَنِ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرَنِي مُحَمَّدُ بْنُ طَلْحَةَ - وَهُوَ ابْنُ عَبْدِ اللهِ بْنِ عَبْدِ الرَّحْمٰنِ - عَنْ أَبِيهِ طَلْحَةَ، عَنْ مُعَاوِيَةَ بْنِ جَاهِمَةَ السُّلَمِيِّ أَنَّ جَاهِمَةَ جَاءَ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! أَرَدْتُ أَنْ أَغْزُوَ وَقَدْ جِئْتُ أَسْتَشِيرُكَ فَقَالَ: «هَلْ لَكَ مِنْ أُمٍّ؟» قَالَ: نَعَمْ قَالَ: «فَالْزَمْهَا فَإِنَّ الْجَنَّةَ تَحْتَ رِجْلَيْهَا».

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الجهاد، باب الرجل يغزو وله أبوان، ح:٢٧٨١ من حديث حجاج بن محمد به، وهو في الكبرٰى، ح:٤٣١٢ .

Comments

'Paradise is beneath her feet': Meaning by serving her, you will gain Paradise.

Chapter 7. The Virtue Of The One Who Strives In The Cause Of Allâh With Himself And His Wealth

(المعجم ٧) - فَضْلُ مَنْ يُجَاهِدُ فِي سَبِيلِ اللهِ بِنَفْسِهِ وَمَالِهِ (التحفة ٧)

3107. It was narrated from Abû

٣١٠٧ - أَخْبَرَنَا كَثِيرُ بْنُ عُبَيْدٍ: حَدَّثَنَا

Sa'eed Al-Khudrî that a man came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh! Which of the people is best?" He said: "One who strives with himself and his wealth in the cause of Allâh." He said: "Then who, O Messenger of Allâh?" He said: "Then a believer (isolating himself) in one of the mountain passes, who fears Allâh and spares the people his evil." (*Sahîh*)

بَقِيَّةُ عَنِ الزُّبَيْدِيِّ، عَنِ الزُّهْرِيِّ، عَنْ عَطَاءِ ابْنِ يَزِيدَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّ رَجُلًا أَتَى رَسُولَ اللهِ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! أَيُّ النَّاسِ أَفْضَلُ؟ قَالَ: «مَنْ جَاهَدَ بِنَفْسِهِ وَمَالِهِ فِي سَبِيلِ اللَّهِ» قَالَ: ثُمَّ مَنْ يَا رَسُولَ اللَّهِ! قَالَ: «ثُمَّ مُؤْمِنٌ فِي شِعْبٍ مِنَ الشِّعَابِ يَتَّقِي اللهَ وَيَدَعُ النَّاسَ مِنْ شَرِّهِ».

تخريج: أخرجه مسلم، الإمارة، باب فضل الجهاد والرباط، ح:١٨٨٨ من حديث محمد بن الوليد الزبيدي به، وهو في الكبرى، ح:٤٣١٣، وعلقه البخاري، ح:٦٤٩٤ من حديث الزبيدي به، وأخرجه البخاري، الجهاد، باب: أفضل الناس مؤمن مجاهد بنفسه وماله في سبيل الله، ح:٢٧٨٦ من حديث الزهري به.

Comments

'In the cause of Allâh' means with the pure intention of gaining the good pleasure of Allâh. Dissimulation, acquiring fame, or worldly gain will not acquire the promised reward.

Chapter 8. The Virtue Of The One Who Strives In The Cause Of Allâh On His Feet

(المعجم ٨) - فَضْلُ مَنْ عَمِلَ فِي سَبِيلِ اللهِ عَلَى قَدَمِهِ (التحفة ٨)

3108. It was narrated that Abû Sa'eed Al-Khudrî said: "In the year of Tabûk, the Messenger of Allâh ﷺ addressed the people, while leaning against his mount. He said: 'Shall I not tell you of the best of the people and the worst of the people? Among the best of the people is a man who strives in the cause of Allâh on the back of his horse, or on the back of his camel, or on his own two feet, until death comes to him. And among the worst of the people, is an immoral man (*Fâjir*) who reads the Book of Allâh but he does not refrain from doing anything bad because of it.'" (*Hasan*)

٣١٠٨ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ أَبِي الْخَطَّابِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: كَانَ رَسُولُ اللهِ ﷺ عَامَ تَبُوكَ يَخْطُبُ النَّاسَ وَهُوَ مُسْنِدٌ ظَهْرَهُ إِلَى رَاحِلَتِهِ فَقَالَ: «أَلَا أُخْبِرُكُمْ بِخَيْرِ النَّاسِ وَشَرِّ النَّاسِ؟ إِنَّ مِنْ خَيْرِ النَّاسِ رَجُلًا عَمِلَ فِي سَبِيلِ اللهِ عَلَى ظَهْرِ فَرَسِهِ أَوْ عَلَى ظَهْرِ بَعِيرِهِ أَوْ عَلَى قَدَمِهِ حَتَّى يَأْتِيَهُ الْمَوْتُ، وَإِنَّ مِنْ شَرِّ النَّاسِ رَجُلًا فَاجِرًا يَقْرَأُ كِتَابَ اللهِ لَا يَرْعَوِي إِلَى شَيْءٍ مِنْهُ».

تخريج: [حسن] أخرجه أحمد: ٣/ ٣٧، ٤١، ٤٢، ٥٧، ٥٨ من حديث الليث بن سعد به، وهو في الكبرى، ح: ٤٣١٤، وصححه الحاكم: ٢/ ٦٧، ٦٨، ووافقه الذهبي.

٣١٠٩ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا جَعْفَرُ بْنُ عَوْنٍ قَالَ: حَدَّثَنَا مِسْعَرٌ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ عِيسَى بْنِ طَلْحَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: «لَا يَبْكِي أَحَدٌ مِنْ خَشْيَةِ اللهِ فَتَطْعَمَهُ النَّارُ حَتَّى يُرَدَّ اللَّبَنُ فِي الضَّرْعِ وَلَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللهِ وَدُخَانُ جَهَنَّمَ فِي مَنْخَرَيْ مُسْلِمٍ أَبَدًا».

3109. It was narrated that Abû Hurairah said: "No man who weeps for fear of Allâh will be touched by the Fire until the milk goes back into the udders. And the dust (of *Jihâd*) in the cause of Allâh, and the smoke of Hell, will never be combined in the nostrils of a Muslim." (***Sahîh***)

تخريج: [إسناده صحيح] أخرجه البيهقي في شعب الإيمان: ١/ ٤٩٠، ح: ٨٠١ من حديث جعفر بن عون به موقوفًا، وهو في الكبرى، ح: ٤٣١٥، وأخرجه ابن ماجه، ح: ٢٧٧٤ وغيره من حديث مسعر بن كدام به مرفوعًا، وصححه ابن حبان، ح: ١٥٩٨، والطريقان صحيحان، وللحديث شواهد كثيرة.

Comments

'Until the milk returns to the udders': This is impossible, rationally as well as customarily. The purpose is to posit that the one who weeps out of the fear of Allâh, his entering Hell is impossible.

٣١١٠ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنِ ابْنِ الْمُبَارَكِ، عَنِ الْمَسْعُودِيِّ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ عِيسَى بْنِ طَلْحَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَلِجُ النَّارَ رَجُلٌ بَكَى مِنْ خَشْيَةِ اللهِ تَعَالَى حَتَّى يَعُودَ اللَّبَنُ فِي الضَّرْعِ، وَلَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللهِ وَدُخَانُ نَارِ جَهَنَّمَ».

3110. It was narrated from Abû Hurairah that the Prophet ﷺ said: "No man will enter the Fire who weeps for fear of Allâh, Most High, until the milk goes back into the udders. And the dust (of *Jihâd*) in the cause of Allâh, and the smoke of Hell will never be combined." (***Sahîh***)

تخريج: [صحيح] أخرجه الترمذي، فضائل الجهاد، باب ماجاء في فضل الغبار في سبيل الله، ح: ١٦٣٣ عن هناد به، وقال: "حسن صحيح"، وهو في الكبرى، ح: ٤٣١٦، وانظر الحديث السابق * ابن المبارك تابعه جعفر بن عون عند الحاكم، وهو ممن روى عن المسعودي قبل اختلاطه.

٣١١١ - أَخْبَرَنَا عِيسَى بْنُ حَمَّادٍ قَالَ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ عَجْلَانَ، عَنْ سُهَيْلِ بْنِ

3111. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Two will never be

gathered together in the Fire: A Muslim who killed a disbeliever then tried his best and did not deviate. And two will never be gathered together in the lungs of a believer: Dust in the cause of Allâh, and the odor of Hell. And two will never be gathered in the heart of a slave: Faith and envy." (*Hasan*)

أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَجْتَمِعَانِ فِي النَّارِ: مُسْلِمٌ قَتَلَ كَافِرًا ثُمَّ سَدَّدَ وَقَارَبَ، وَلَا يَجْتَمِعَانِ فِي جَوْفِ مُؤْمِنٍ: غُبَارٌ فِي سَبِيلِ اللهِ وَفَيْحُ جَهَنَّمَ، وَلَا يَجْتَمِعَانِ فِي قَلْبِ عَبْدٍ: الْإِيمَانُ وَالْحَسَدُ».

تخريج: [حسن] أخرجه أحمد: ٢/ ٣٤٠ من حديث ليث بن سعد به، وهو في الكبرٰى، ح: ٤٣١٧، وصححه ابن حبان، ح: ١٥٩٧، والحاكم علٰى شرط مسلم: ٢/ ٧٢، ووافقه الذهبي * ابن عجلان عنعن، وللحديث شواهد كثيرة عند مسلم، ح: ١٣١/١٨٩١ وغيره.

3112. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The dust in the cause of Allâh and the smoke of Hell will never be combined in the lungs of a slave, and stinginess and faith can never be combined in a slave's heart.'" (*Hasan*)

٣١١٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ سُهَيْلٍ، عَنْ صَفْوَانَ بْنِ أَبِي يَزِيدَ، عَنِ الْقَعْقَاعِ بْنِ اللَّجْلَاجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللهِ وَدُخَانُ جَهَنَّمَ فِي جَوْفِ عَبْدٍ أَبَدًا وَلَا يَجْتَمِعُ الشُّحُّ وَالْإِيمَانُ فِي قَلْبِ عَبْدٍ أَبَدًا».

تخريج: [حسن] أخرجه الحاكم: ٢/ ٧٢ من حديث جرير بن عبدالحميد به، وهو في الكبرٰى، ح: ٤٣١٨، وانظر الحديث السابق.

3113. It was narrated from Abû Hurairah that the Prophet ﷺ said: "The dust in the cause of Allâh and the smoke of Hell will never be combined in a man's face, and stinginess and faith can never be combined in a slave's heart." (*Hasan*)

٣١١٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُالرَّحْمٰنِ بْنُ مَهْدِيٍّ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ صَفْوَانَ بْنِ سُلَيْمٍ، عَنْ خَالِدِ بْنِ اللَّجْلَاجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللهِ وَدُخَانُ جَهَنَّمَ فِي وَجْهِ رَجُلٍ أَبَدًا وَلَا يَجْتَمِعُ الشُّحُّ وَالْإِيمَانُ فِي قَلْبِ عَبْدٍ أَبَدًا».

تخريج: [حسن] انظر الحديثين السابقين، وهو في الكبرٰى، ح: ٤٣١٩.

3114. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The dust in the cause of Allâh and the smoke of Hell will never be combined in a slave's lungs, and stinginess and faith can never be combined in a slave's heart.'" (*Ḥasan*)

٣١١٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَامِرٍ قَالَ: حَدَّثَنَا مَنْصُورُ بْنُ سَلَمَةَ قَالَ: أَخْبَرَنَا اللَّيْثُ ابْنُ سَعْدٍ عَنِ ابْنِ الْهَادِ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ صَفْوَانَ بْنِ أَبِي يَزِيدَ، عَنِ الْقَعْقَاعِ بْنِ اللَّجْلَاجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللهِ وَدُخَانُ جَهَنَّمَ فِي جَوْفِ عَبْدٍ وَلَا يَجْتَمِعُ الشُّحُّ وَالْإِيمَانُ فِي جَوْفِ عَبْدٍ».

تخريج: [حسن] تقدم، ح: ٣١١٢، وهو في الكبرٰى، ح: ٤٣٢٠.

3115. It was narrated from Abû Hurairah that the Prophet ﷺ said: "The dust in the cause of Allâh, the Mighty and Sublime, and the smoke of Hell will never be combined in the nostrils of a Muslim." (*Ḥasan*)

٣١١٥ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَرْعَرَةُ بْنُ الْبِرِنْدِ وَابْنُ أَبِي عَدِيٍّ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو عَنْ صَفْوَانَ بْنِ أَبِي يَزِيدَ، عَنْ حُصَيْنِ بْنِ اللَّجْلَاجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ وَدُخَانُ جَهَنَّمَ فِي مَنْخَرَيْ مُسْلِمٍ أَبَدًا».

تخريج: [حسن] تقدم، ح: ٣١١٢، وهو في الكبرٰى، ح: ٤٣٢١.

3116. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The dust in the cause of Allâh and the smoke of Hell will never be combined in the nostrils of a Muslim, and stinginess and faith will never be combined in a Muslim man's heart.'" (*Ḥasan*)

٣١١٦ - أَخْبَرَنِي شُعَيْبُ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ صَفْوَانَ بْنِ أَبِي يَزِيدَ، عَنْ حُصَيْنِ بْنِ اللَّجْلَاجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَجْتَمِعُ غُبَارٌ فِي سَبِيلِ اللهِ وَدُخَانُ جَهَنَّمَ فِي مَنْخَرَيْ مُسْلِمٍ، وَلَا يَجْتَمِعُ شُحٌّ وَإِيمَانٌ فِي قَلْبِ رَجُلٍ مُسْلِمٍ».

تخريج: [حسن] تقدم، ح: ٣١١٢، وهو في الكبرٰى، ح: ٤٣٢٢.

3117. It was narrated from Abû Al-'Alâ' bin Al-Lajlâj that he heard

٣١١٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ

عَبْدِ الْحَكَمِ عَنْ شُعَيْبٍ، عَنِ اللَّيْثِ، عَنْ عُبَيْدِ اللهِ بْنِ أَبِي جَعْفَرٍ، عَنْ صَفْوَانَ بْنِ أَبِي يَزِيدَ، عَنْ أَبِي الْعَلَاءِ بْنِ اللَّجْلَاجِ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: لَا يَجْمَعُ اللهُ عَزَّ وَجَلَّ غُبَارًا فِي سَبِيلِ اللهِ وَدُخَانَ جَهَنَّمَ فِي جَوْفِ امْرِئٍ مُسْلِمٍ، وَلَا يَجْمَعُ اللهُ فِي قَلْبِ امْرِئٍ مُسْلِمٍ الْإِيمَانَ بِاللَّهِ وَالشُّحَّ جَمِيعًا.

Abû Hurairah say: "Allâh will never combine the dust in the cause of Allâh, the Mighty and Sublime, and the smoke of Hell, in the lungs of a Muslim man, and Allâh will never combine faith in Allâh, and stinginess in the heart of a Muslim man." (*Ḥasan*)

تخريج: [حسن] تقدم، ح:٣١١٢، وهو في الكبرٰى، ح:٤٣٢٣.

(المعجم ٩) - ثَوَابُ مَنِ اغْبَرَّتْ قَدَمَاهُ فِي سَبِيلِ اللهِ (التحفة ٩)

Chapter 9. The Reward Of The One Whose Feet Become Dusty In The Cause Of Allâh

٣١١٨ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ قَالَ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ أَبِي مَرْيَمَ قَالَ: لَحِقَنِي عَبَايَةُ بْنُ رَافِعٍ وَأَنَا مَاشٍ إِلَى الْجُمُعَةِ فَقَالَ: أَبْشِرْ، فَإِنَّ خُطَاكَ هٰذِهِ فِي سَبِيلِ اللهِ، سَمِعْتُ أَبَا عَبْسٍ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ اغْبَرَّتْ قَدَمَاهُ فِي سَبِيلِ اللهِ فَهُوَ حَرَامٌ عَلَى النَّارِ».

3118. Yazîd bin Abî Mariam said: "Abâyah bin Râfi' met me when I was walking to Friday prayers, and he said: 'Rejoice, for these steps you are taking are in the cause of Allâh. I heard Abû 'Abs say: The Messenger of Allâh ﷺ said: Anyone whose feet become dusty in the cause of Allâh, he will be forbidden to the Fire.'" (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، الجمعة، باب المشي إلى الجمعة، ح:٩٠٧ من حديث الوليد بن مسلم به، وهو في الكبرٰى، ح:٤٣٢٤.

Comments

In this narration, the phrase 'in the way of Allâh' has been used in its general sense; every good deed or work. Lexically, it is absolutely correct, but the customary meaning happens to be more reliable. And the customary meaning of the Qur'ân and the *Ḥadîth* of the expression 'in the way of Allâh' uses it in the sense of *Jihâd*.

(المعجم ١٠) - ثَوَابُ عَيْنٍ سَهِرَتْ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ١٠)

Chapter 10. The Reward Of Eyes That Stay Awake At Night In The Cause Of Allâh, The Mighty and Sublime

٣١١٩ - أَخْبَرَنَا عِصْمَةُ بْنُ الْفَضْلِ قَالَ:

3119. Abû 'Alî At-Tujîbî (said) that he heard Abû Raiḥânah say:

"I heard the Messenger of Allâh ﷺ say: 'The eye that stays awake in the cause of Allâh will be forbidden to the Fire.'" (*Hasan*)

حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ عَنْ عَبْدِ الرَّحْمٰنِ بْنِ شُرَيْحٍ قَالَ: سَمِعْتُ مُحَمَّدَ بْنَ شُمَيْرٍ الرُّعَيْنِيَّ يَقُولُ: سَمِعْتُ أَبَا عَلِيٍّ التُّجِيبِيَّ أَنَّهُ سَمِعَ أَبَا رَيْحَانَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «حُرِّمَتْ عَلَى النَّارِ عَيْنٌ سَهِرَتْ فِي سَبِيلِ اللَّهِ».

تخريج: [**إسناده حسن**] أخرجه أحمد: ٤/ ١٣٤ عن زيد بن حباب به، وهو في الكبرىٰ، ح: ٤٣٢٥، وصححه الحاكم: ٢/ ٨٣، وللحديث شواهد عند الترمذي، ح: ١٦٣٩ وغيره * أبو علي هو عمرو بن مالك الهمداني.

Chapter 11. The Virtue Of Going Out Before Noon In The Cause Of Allâh, The Mighty and Sublime

(المعجم ١١) - **فَضْلُ غَدْوَةٍ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ** (التحفة ١١)

3120. It was narrated that Sahl bin Sa'd said: "The Messenger of Allâh ﷺ said: 'Going out before noon or after noon, in the cause of Allâh, the Mighty and Sublime, is better than this world and everything in it.'" (*Ṣaḥîḥ*)

٣١٢٠ - أَخْبَرَنَا عَبْدَةُ بْنُ عَبْدِ اللهِ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ عَنْ زَائِدَةَ، عَنْ سُفْيَانَ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْغَدْوَةُ وَالرَّوْحَةُ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ أَفْضَلُ مِنَ الدُّنْيَا وَمَا فِيهَا».

تخريج: أخرجه البخاري، الجهاد، باب الغدوة والروحة في سبيل الله وقاب قوس أحدكم في الجنة، ح: ٢٧٩٤، ومسلم، الإمارة، باب فضل الغدوة والروحة في سبيل الله، ح: ١٨٨١/ ١١٤ من حديث سفيان الثوري به، وهو في الكبرىٰ، ح: ٤٣٢٦.

Comments

Because the recompense of going for *Jihâd* is something 'abiding', and everything of this world is 'ephemeral' or short-lived. Where does the 'ephemeral' stand in comparison to the 'abiding' or everlasting?

Chapter 12. The Virtue Of Going Out After Noon In The Cause Of Allâh, The Mighty And Sublime

(المعجم ١٢) - **فَضْلُ الرَّوْحَةِ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ** (التحفة ١٢)

3121. It was narrated from Abû 'Abdur-Raḥmân Al-Ḥubulî that he heard Abû Ayyûb Al-Anṣârî say: "The Messenger of Allâh ﷺ said: 'Going out before noon and after

٣١٢١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ: حَدَّثَنَا أَبِي: حَدَّثَنَا سَعِيدُ بْنُ أَبِي أَيُّوبَ: حَدَّثَنِي شُرَحْبِيلُ بْنُ شَرِيكٍ الْمَعَافِرِيُّ

noon, in the cause of Allâh, is better that everything on which the sun rises and sets.'" (*Ṣaḥîḥ*)

عَنْ أَبِي عَبْدِ الرَّحْمٰنِ الْحُبُلِيِّ أَنَّهُ سَمِعَ أَبَا أَيُّوبَ الْأَنْصَارِيَّ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «غَدْوَةٌ فِي سَبِيلِ اللهِ أَوْ رَوْحَةٌ خَيْرٌ مِمَّا طَلَعَتْ عَلَيْهِ الشَّمْسُ وَغَرَبَتْ».

تخريج: أخرجه مسلم، الإمارة، باب فضل الغدوة والروحة في سبيل الله، ح:١٨٨٣ من حديث أبي عبدالرحمن عبدالله بن يزيد المقرىء به، وهو في الكبرٰى، ح:٤٣٢٧.

3122. It was narrated from Abû Hurairah that the Prophet ﷺ said: "There are three, all of whom have a promise of help from Allâh: 'The *Mujâhid* who strives in the cause of Allâh, the Mighty and Sublime; the man who gets married, seeking to keep himself chaste; and the slave who has a contract of manumission and wants to buy his freedom.'" (*Ḥasan*)

٣١٢٢ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ عَنْ أَبِيهِ: حَدَّثَنَا عَبْدُاللهِ بْنُ الْمُبَارَكِ عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنْ سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «ثَلَاثَةٌ كُلُّهُمْ حَقٌّ عَلَى اللهِ عَزَّ وَجَلَّ: عَوْنُهُ الْمُجَاهِدُ فِي سَبِيلِ اللهِ، وَالنَّاكِحُ الَّذِي يُرِيدُ الْعَفَافَ، وَالْمُكَاتَبُ الَّذِي يُرِيدُ الْأَدَاءَ».

تخريج: [إسناده حسن] أخرجه الترمذي، فضائل الجهاد، باب ماجاء في المجاهد والناكح والكاتب وعون الله إياهم، ح:١٦٥٥، وابن ماجه، العتق، باب المكاتب، ح:٢٥١٨ من حديث محمد بن عجلان به، وصرح بالسماع عند أحمد:٢/٤٣٧، وهو في الكبرٰى، ح:٤٣٢٨، وقال الترمذي: "حسن".

Comments

'A promise of help from Allâh': And this is the grace of Allâh. If Allâh wills not to help someone, no one can raise an objection against Him.

Chapter 13. The Warriors Are The Guests Of Allâh, Most High

(المعجم ١٣) - بَابٌ: الْغُزَاةُ وَفْدُ اللهِ تَعَالَى (التحفة ١٣)

3123 Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The guests of Allâh, the Mighty and Sublime, are three: The warrior, the pilgrim performing *Ḥajj*, and the pilgrim performing *'Umrah*.'" (*Ṣaḥîḥ*)

٣١٢٣ - **حَدَّثَنَا** عِيسَى بْنُ إِبْرَاهِيمَ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ مَخْرَمَةَ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ سُهَيْلَ بْنَ أَبِي صَالِحٍ قَالَ: سَمِعْتُ أَبِي يَقُولُ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «وَفْدُ اللهِ [عَزَّ وَجَلَّ] ثَلَاثَةٌ: الْغَازِي، وَالْحَاجُّ، وَالْمُعْتَمِرُ».

تخريج: [إسناده صحيح] تقدم، ح:٢٦٢٧، وهو في الكبرى، ح:٤٣٢٩.

Comments

Since all these three go purely for the sake of Allâh, spending their own wealth, and enduring the hardships of the long journey, they are called the guests of Allâh.

Chapter 14. What Allâh, The Mighty And Sublime, Guarantees To One Who Strives In His Cause

(المعجم ١٤) - **بَابُ مَا تَكَفَّلَ اللهُ عَزَّ وَجَلَّ لِمَنْ جَاهَدَ فِي سَبِيلِهِ** (التحفة ١٤)

3124. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Allâh, the Mighty and Sublime, has guaranteed to the one who strives in His cause, only going out for *Jihâd* in His cause, and believing in His Word, that He will admit him to Paradise, or bring him back to his home from which he emerged, with whatever he has earned of reward, or spoils of war." (*Sahîh*)

٣١٢٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ ابْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ بْنِ الْقَاسِمِ [قَالَ]: حَدَّثَنِي مَالِكٌ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «تَكَفَّلَ اللهُ [عَزَّ وَجَلَّ] لِمَنْ جَاهَدَ فِي سَبِيلِهِ لَا يُخْرِجُهُ إِلَّا الْجِهَادُ فِي سَبِيلِهِ وَتَصْدِيقُ كَلِمَتِهِ بِأَنْ يُدْخِلَهُ الْجَنَّةَ أَوْ يَرُدَّهُ إِلَى مَسْكَنِهِ الَّذِي خَرَجَ مِنْهُ مَعَ مَا نَالَ مِنْ أَجْرٍ أَوْ غَنِيمَةٍ».

تخريج: أخرجه البخاري، فرض الخمس، باب قول النبي ﷺ "أحلت لكم الغنائم"، ح:٣١٢٣ من حديث مالك به، وهو في الكبرى، ح:٤٣٣٠، والموطأ (يحيى): ٢/ ٤٤٣، ٤٤٤.

Comments

'Reward or spoils (*Ajrin Aw Ghanimatin*)' means he will definitely receive one of the two things. It could be both, because of the recompense he shall gain in every condition.

3125. Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'Allâh has guaranteed: 'For the one who goes out in the cause of Allâh, and nothing makes him do that except faith in Me, and *Jihâd* in My cause – that He will admit him to Paradise whether he is killed or he dies, or He will return him to his home from which he departed with whatever he has earned of reward

٣١٢٥ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ سَعِيدٍ، عَنْ عَطَاءِ بْنِ مِينَاءَ مَوْلَى ابْنِ أَبِي ذُبَابٍ، سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «انْتَدَبَ اللهُ لِمَنْ يَخْرُجُ فِي سَبِيلِ اللهِ لَا يُخْرِجُهُ إِلَّا الْإِيمَانُ بِي وَالْجِهَادُ فِي سَبِيلِي أَنَّهُ ضَامِنٌ حَتَّى أُدْخِلَهُ الْجَنَّةَ بِأَيِّهِمَا كَانَ، إِمَّا بِقَتْلٍ أَوْ وَفَاةٍ أَوْ أَرُدَّهُ إِلَى

or spoils of war.'" (*Ḥasan*)

مَسْكَنِهِ الَّذِي خَرَجَ مِنْهُ نَالَ مَا نَالَ مِنْ أَجْرٍ أَوْ غَنِيمَةٍ».

تخريج: [إسناده حسن] أخرجه أحمد: ٢/٤٩٤ من حديث الليث بن سعد به، وهو في الكبرى، ح: ٤٣٣١، وأخرجه ابن منده في كتاب الإيمان: ١/٣٩٧ ح: ٢٣٨ من حديث قتيبة بن سعيد به * سعيد هو ابن أبي سعيد المقبري.

3126. Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'The parable of *Mujâhid* (who strives in the cause of Allâh) – and Allâh knows best who strives in the cause of Allâh – is that of one who fasts and prays *Qiyâm* (continually). Allâh has promised *Mujâhid* (who strives in His cause), that He will either cause him to die and admit him to Paradise, or, He will bring him back safely with whatever he has earned of reward or spoils of war.'" (*Ṣaḥîḥ*)

٣١٢٦ - أَخْبَرَنِي عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدِ بْنِ كَثِيرِ بْنِ دِينَارٍ: حَدَّثَنَا أَبِي عَنْ شُعَيْبٍ، عَنِ الزُّهْرِيِّ [قَالَ]: أَخْبَرَنِي سَعِيدُ ابْنُ الْمُسَيَّبِ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَثَلُ الْمُجَاهِدِ فِي سَبِيلِ اللهِ وَاللَّهُ أَعْلَمُ بِمَنْ يُجَاهِدُ فِي سَبِيلِ اللهِ كَمَثَلِ الصَّائِمِ الْقَائِمِ وَتَوَكَّلَ اللهُ لِلْمُجَاهِدِ فِي سَبِيلِهِ بِأَنْ يَتَوَفَّاهُ فَيُدْخِلَهُ الْجَنَّةَ أَوْ يَرْجِعَهُ سَالِمًا بِمَا نَالَ مِنْ أَجْرٍ أَوْ غَنِيمَةٍ».

تخريج: أخرجه البخاري، الجهاد، باب أفضل الناس مومن مجاهد بنفسه وماله في سبيل الله، ح: ٢٧٨٧ من حديث شعيب بن أبي حمزة به، وهو في الكبرى، ح: ٤٣٣٢.

Comments

Allâh knows best because the intention is, and Allâh, Most High, sees the heart. Only the one who goes for *Jihâd* for the sake of Allâh, Most High, shall gain the promised reward. If he struggles for other motives, such *Jihâd* could potentially become the means of going to the Hellfire instead of Paradise.

Chapter 15. The Reward Of The Raiding Party That Fails To Achieve Its Goal

(المعجم ١٥) - **بَابُ ثَوَابِ السَّرِيَّةِ الَّتِي تَخْفِقُ** (التحفة ١٥)

3127. 'Abdullâh bin 'Amr said: "I heard the Messenger of Allâh ﷺ say: 'There is no raiding party that goes out in the cause of Allâh and acquires some spoils of war, but they have been given two-thirds of their reward in this world instead of in the Hereafter, and there

٣١٢٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ: حَدَّثَنَا أَبِي: حَدَّثَنَا حَيْوَةُ وَذَكَرَ آخَرَ قَالَا: حَدَّثَنَا أَبُو هَانِئٍ الْخَوْلَانِيُّ أَنَّهُ سَمِعَ أَبَا عَبْدِ الرَّحْمٰنِ الْحُبُلِيَّ يَقُولُ: سَمِعْتُ عَبْدَ اللهِ بْنَ عَمْرٍو يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَا مِنْ غَازِيَةٍ تَغْزُو فِي سَبِيلِ اللهِ

remains one-third (in the Hereafter). And if they do not acquire any spoils of war, then all of their reward (will come in the Hereafter).'" (*Ṣaḥîḥ*)

فَيُصِيبُونَ غَنِيمَةً إِلَّا تَعَجَّلُوا ثُلُثَيْ أَجْرِهِمْ مِنَ الْآخِرَةِ وَيَبْقَى لَهُمُ الثُّلُثُ فَإِنْ لَمْ يُصِيبُوا غَنِيمَةً تَمَّ لَهُمْ أَجْرُهُمْ».

تخريج: أخرجه مسلم، الإمارة، باب بيان قدر ثواب من غزا فغنم ومن لم يغنم، ح:١٩٠٦ من حديث عبدالله بن يزيد المقرىء به، وهو في الكبرى، ح:٤٣٣٣ .

Comments

We learn that the achiever of the spoils deserves the recompense, even if his intention has not been to gain the spoils. Only such shall receive the full recompense, in the Hereafter alone, who does not receive any worldly gain.

3128. It was narrated from Ibn 'Umar, from the Prophet ﷺ, of what he related from his Lord, the Mighty and Sublime: "Any of My slaves who goes out as a *Mujâhid* striving in the cause of Allâh, seeking My pleasure, I guarantee that I will bring him back with whatever he has earned as reward or spoils of war, and if I take his (soul) I will forgive him and have mercy on him." (*Ṣaḥîḥ*)

٣١٢٨ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَعْقُوبَ: حَدَّثَنَا حَجَّاجٌ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ يُونُسَ، عَنِ الْحَسَنِ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ فِيمَا يَحْكِيهِ عَنْ رَبِّهِ عَزَّ وَجَلَّ قَالَ: «أَيُّمَا عَبْدٍ مِنْ عِبَادِي خَرَجَ مُجَاهِدًا فِي سَبِيلِ اللهِ ابْتِغَاءَ مَرْضَاتِي ضَمِنْتُ لَهُ أَنْ أَرْجِعَهُ بِمَا أَصَابَ مِنْ أَجْرٍ أَوْ غَنِيمَةٍ وَإِنْ قَبَضْتُهُ غَفَرْتُ لَهُ وَرَحِمْتُهُ».

تخريج: [صحيح] أخرجه أحمد: ٢/ ١١٧ من حديث حماد بن سلمة به، وهو في الكبرى، ح:٤٣٣٤، وله شواهد كثيرة، منها الحديث السابق:٣١٢٦.

Comments

'From His Lord, the Mighty and Sublime': Such a narration is called a *Ḥadîth Qudsi* or Sacred *Ḥadîth*, in which it is related that Allâh, Most High, has been explicitly stated this or that.

Chapter 16. The Parable Of A *Mujâhid* (Who Strives In the Cause of Allâh, The Mighty And Sublime)

(المعجم ١٦) - مَثَلُ الْمُجَاهِدِ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ١٦)

3129. It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'The parable of a *Mujâhid* who strives in the cause of Allâh – and Allâh knows best who in His cause – is

٣١٢٩ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنِ ابْنِ الْمُبَارَكِ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَثَلُ الْمُجَاهِدِ فِي سَبِيلِ

that of one who fasts, prays *Qiyâm*, focuses with proper humility, bows and prostrates.'" (*Ṣaḥîḥ*)

اللهِ، وَاللَّهُ أَعْلَمُ بِمَنْ يُجَاهِدُ فِي سَبِيلِهِ كَمَثَلِ الصَّائِمِ الْقَائِمِ الْخَاشِعِ الرَّاكِعِ السَّاجِدِ».

تخريج: [صحيح] أخرجه ابن أبي عاصم في كتاب الجهاد: ١/ ١٨٢، ح: ٢٩ من حديث ابن المبارك به، وهو في كتاب الجهاد له، ح: ١١، والسنن الكبرٰى للنسائي، ح: ٤٣٣٥، وانظر الحديث المتقدم، ح: ٣١٢٦، وهذا طرف منه.

Chapter 17. What Is Equal To *Jihâd* In The Cause Of Allâh, The Mighty And Sublime?

(المعجم ١٧) - مَا يَعْدِلُ الجِهَادَ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ١٧)

3130. Abû Hurairah said: "A man came to the Messenger of Allâh ﷺ and said: 'Tell me of an action that is equal to *Jihâd*.' He said: 'I cannot. When the *Mujâhid* goes out, can you enter the *Masjid* and stand in prayer and never rest, and fast and never break your fast?' He said: 'Who can do that?'" (*Ṣaḥîḥ*)

٣١٣٠ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا عَفَّانُ قَالَ: حَدَّثَنَا هَمَّامٌ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ جُحَادَةَ قَالَ: حَدَّثَنِي أَبُو حُصَيْنٍ أَنَّ ذَكْوَانَ حَدَّثَهُ أَنَّ أَبَا هُرَيْرَةَ حَدَّثَهُ قَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: دُلَّنِي عَلَى عَمَلٍ يَعْدِلُ الْجِهَادَ قَالَ: «لَا أَجِدُهُ: هَلْ تَسْتَطِيعُ إِذَا خَرَجَ الْمُجَاهِدُ تَدْخُلُ مَسْجِدًا فَتَقُومُ لَا تَفْتُرُ وَتَصُومُ لَا تُفْطِرُ» قَالَ: مَنْ يَسْتَطِيعُ ذٰلِكَ؟.

تخريج: أخرجه البخاري، الجهاد، باب فضل الجهاد والسير ... إلخ، ح: ٢٧٨٥ من حديث همام به، وهو في الكبرٰى، ح: ٤٣٣٦.

3131. It was narrated from Abû Dharr that he asked the Prophet of Allâh ﷺ which deed was best. He said: "Belief in Allâh and *Jihâd* in the cause of Allâh, the Mighty and Sublime." (*Ṣaḥîḥ*)

٣١٣١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ عَبْدِ الْحَكَمِ عَنْ شُعَيْبٍ، عَنِ اللَّيْثِ، عَنْ عُبَيْدِ اللهِ بْنِ أَبِي جَعْفَرٍ قَالَ: أَخْبَرَنِي عُرْوَةُ عَنْ أَبِي مُرَاوِحٍ، عَنْ أَبِي ذَرٍّ: أَنَّهُ سَأَلَ نَبِيَّ اللهِ ﷺ أَيُّ الْعَمَلِ خَيْرٌ؟ قَالَ: «إِيمَانٌ بِاللَّهِ وَجِهَادٌ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ».

تخريج: أخرجه البخاري، العتق، باب أي الرقاب أفضل؟، ح: ٢٥١٨، ومسلم، الإيمان، باب بيان كون الإيمان بالله تعالٰى أفضل الأعمال، ح: ٨٤ من حديث عروة به، وهو في الكبرٰى، ح: ٤٣٣٧.

3132. It was narrated that Abû Hurairah said: "A man asked the Messenger of Allâh ﷺ which deed is best. He said: 'Faith in Allâh.' He said: 'Then what?' He said: '*Jihâd* in the cause of Allâh.' He said: 'Then what?' He said: '*Hajjun Mabrûr*.'"[1] (*Sahîh*)

٣١٣٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَأَلَ رَجُلٌ رَسُولَ اللهِ ﷺ أَيُّ الأَعْمَالِ أَفْضَلُ؟ قَالَ: «إِيمَانٌ بِاللَّهِ» قَالَ: ثُمَّ مَاذَا؟ قَالَ: «الْجِهَادُ فِي سَبِيلِ اللَّهِ» قَالَ: ثُمَّ مَاذَا؟ قَالَ: «حَجٌّ مَبْرُورٌ».

تخريج: [صحيح] تقدم، ح:٢٦٢٥، وهو في الكبرى، ح:٤٣٣٨.

Chapter 18. The Status Of A *Mujâhid* (Who Strives In The Cause Of Allâh, The Mighty And Sublime)

(المعجم ١٨) - دَرَجَةُ الْمُجَاهِدِ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ١٨)

3133. It was narrated from Abû Sa'eed Al-Khudrî that the Messenger of Allâh ﷺ said: "O Abû Sa'eed! Whoever is content with Allâh as Lord, Islam as his religion and Muhammad as Prophet, then he is guaranteed Paradise." Abû Sa'eed found this amazing and said: "Say it to me again, O Messenger of Allâh." So he did that, then the Messenger of Allâh ﷺ said: "And there is something else by means of which a person may be raised one hundred degrees in Paradise, each of which is like that which is between the Heaven and the Earth." He said: "What is it, O Messenger of Allâh?" He said: "*Jihâd* in the cause of Allâh, *Jihâd* in the cause of Allâh." (*Sahîh*)

٣١٣٣ - قال الحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ وَهْبٍ قَالَ: حَدَّثَنِي أَبُو هَانِيءٍ عَنْ أَبِي عَبْدِ الرَّحْمٰنِ الْحُبُلِيِّ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «يَا أَبَا سَعِيدٍ! مَنْ رَضِيَ بِاللَّهِ رَبًّا وَبِالإِسْلَامِ دِينًا وَبِمُحَمَّدٍ نَبِيًّا وَجَبَتْ لَهُ الْجَنَّةُ» قَالَ: فَعَجِبَ لَهَا أَبُو سَعِيدٍ قَالَ: أَعِدْهَا عَلَيَّ يَا رَسُولَ اللهِ! فَفَعَلَ ثُمَّ قَالَ رَسُولُ اللهِ ﷺ: «وَأُخْرَى يُرْفَعُ بِهَا الْعَبْدُ مِائَةَ دَرَجَةٍ فِي الجَنَّةِ مَا بَيْنَ كُلِّ دَرَجَتَيْنِ كَمَا بَيْنَ السَّمَاءِ وَالأَرْضِ» قَالَ: وَمَا هِيَ يَا رَسُولَ اللَّهِ؟ قَالَ: «الْجِهَادُ فِي سَبِيلِ اللهِ، الْجِهَادُ فِي سَبِيلِ اللَّهِ».

[1] *Hajj*, that is accepted, or free of sin. See No. 2625.

تخريج: أخرجه مسلم، الإمارة، باب بيان ما أعد الله تعالى للمجاهد في الجنة من الدرجات، ح: ١٨٨٤ من حديث ابن وهب به، وهو في الكبرىٰ، ح: ٤٣٣٩ .

Comments

'Found this amazing' because for an apparently easy or effortless thing, the promise of the Paradise has been given, although in actuality it is a difficult task. This is because the knowledge or proof of contentment would emerge from actions. And to furnish evidence from action is itself a hard task.

3134. It was narrated that Abû Ad-Dardâ' said: "The Messenger of Allâh ﷺ said: 'Whoever establishes *Ṣalâh*, pays *Zakâh*, and dies not associating anything with Allâh, he has a right from Allâh the Mighty and Sublime, that He will forgive him, whether he emigrated, or died in his birthplace.' We said: 'O Messenger of Allâh! Shall we not tell the people about it so that they may rejoice?' He said: 'In Paradise there are one hundred levels, (the distance) between each two of which is like (the distance) between the Heaven and the Earth; Allâh has prepared them for the *Mujâhidîn* who strive in His cause. Were it not that it would be too difficult for the believers and I cannot find mounts for them – and they do not like to stay behind if I go out (on a campaign) – I would not have stayed behind from any expedition. I wish that I could be killed then brought back to life, then killed again.'" (*Ḥasan*)

٣١٣٤ - أَخْبَرَنَا هَارُونُ بْنُ مُحَمَّدِ بْنِ بَكَّارِ بْنِ بِلَالٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى ابْنِ الْقَاسِمِ بْنِ سُمَيْعٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ وَاقِدٍ قَالَ: حَدَّثَنِي بُسْرُ بْنُ عُبَيْدِ اللهِ عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ، عَنْ أَبِي الدَّرْدَاءِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ وَمَاتَ لَا يُشْرِكُ بِاللَّهِ شَيْئًا كَانَ حَقًّا عَلَى اللهِ عَزَّ وَجَلَّ أَنْ يَغْفِرَ لَهُ هَاجَرَ أَوْ مَاتَ فِي مَوْلِدِهِ» فَقُلْنَا: يَا رَسُولَ اللهِ! أَلَا نُخْبِرُ بِهَا النَّاسَ فَيَسْتَبْشِرُوا بِهَا؟ فَقَالَ: «إِنَّ لِلْجَنَّةِ مِائَةَ دَرَجَةٍ بَيْنَ كُلِّ دَرَجَتَيْنِ كَمَا بَيْنَ السَّمَاءِ وَالْأَرْضِ أَعَدَّهَا اللهُ لِلْمُجَاهِدِينَ فِي سَبِيلِهِ، وَلَوْلَا أَنْ أَشُقَّ عَلَى الْمُؤْمِنِينَ وَلَا أَجِدُ مَا أَحْمِلُهُمْ عَلَيْهِ وَلَا تَطِيبُ أَنْفُسُهُمْ أَنْ يَتَخَلَّفُوا بَعْدِي مَا قَعَدْتُ خَلْفَ سَرِيَّةٍ وَلَوَدِدْتُ أَنِّي أُقْتَلُ ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ».

تخريج: [إسناده حسن] أخرجه الطبراني في مسند الشاميين: ٢/٢٠٨، ٢٠٩، ح: ١٢٠٠ من حديث هارون به، وهو في الكبرىٰ، ح: ٤٣٤٠ .

Chapter 19. What Reward Is There For The One Who Accepts Islam, Emigrates And Strives For *Jihâd*?

(المعجم ١٩) - مَا لِمَنْ أَسْلَمَ وَهَاجَرَ وَجَاهَدَ (التحفة ١٩)

3135. It was narrated from 'Amr bin Mâlik Al-Janbî that he heard Faḍâlah bin 'Ubaid say: "I heard the Messenger of Allâh ﷺ say: 'I am a *Za'îm* – and the *Za'îm* is the guarantor – for the one who believes in me and accepts Islam, and emigrates: A house on the outskirts of Paradise and a house in the middle of Paradise. And I am a guarantor, for the one who believes in me and accepts Islam, and strives in the cause of Allâh: A house on the outskirts of Paradise and a house in the middle of Paradise and a house in the highest chambers of Paradise. Whoever does that and seeks goodness wherever it is, and avoids evil wherever it is, may die wherever he wants to die.'" (*Ḥasan*)

٣١٣٥ - قال الْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي أَبُو هَانِئٍ عَنْ عَمْرِو بْنِ مَالِكٍ الْجَنْبِيِّ أَنَّهُ سَمِعَ فَضَالَةَ بْنَ عُبَيْدٍ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «أَنَا زَعِيمٌ - وَالزَّعِيمُ الْحَمِيلُ - لِمَنْ آمَنَ بِي وَأَسْلَمَ وَهَاجَرَ بِبَيْتٍ فِي رَبَضِ الْجَنَّةِ وَبِبَيْتٍ فِي وَسَطِ الْجَنَّةِ، وَأَنَا زَعِيمٌ لِمَنْ آمَنَ بِي وَأَسْلَمَ وَجَاهَدَ فِي سَبِيلِ اللهِ بِبَيْتٍ فِي رَبَضِ الْجَنَّةِ وَبِبَيْتٍ فِي وَسَطِ الْجَنَّةِ وَبِبَيْتٍ فِي أَعْلَى غُرَفِ الْجَنَّةِ مَنْ فَعَلَ ذٰلِكَ فَلَمْ يَدَعْ لِلْخَيْرِ مَطْلَبًا وَلَا مِنَ الشَّرِّ مَهْرَبًا يَمُوتُ حَيْثُ شَاءَ أَنْ يَمُوتَ».

تخريج: [إسناده حسن] أخرجه سعيد بن منصور في سننه: ٢/ ١١٨، ١١٩، ح: ٢٣٠٤ عن عبدالله بن وهب به، وهو في الكبرى، ح: ٤٣٤١، وصححه ابن حبان (الإحسان)، ح: ٤٦٠٠، والحاكم على شرط مسلم: ٢/ ٦٠، ٧١، ووافقه الذهبي.

3136. It was narrated that Sabrah bin Abî Fâkih said: "I heard the Messenger of Allâh ﷺ say: 'The Shaiṭân sits in the paths of the son of Âdam. He sits waiting for him, in the path to Islam, and he says: Will you accept Islam, and leave your religion, and the religion of your forefathers? But he disobeys him and accepts Islam. Then he sits waiting for him, on the path to emigration, and he says: Will you

٣١٣٦ - أَخْبَرَنا إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا أَبُو النَّضْرِ هَاشِمُ بْنُ الْقَاسِمِ قَالَ: حَدَّثَنَا أَبُو عَقِيلٍ عَبْدُ اللهِ بْنُ عَقِيلٍ قَالَ: حَدَّثَنَا مُوسَى بْنُ الْمُسَيَّبِ عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ سَبْرَةَ بْنِ أَبِي فَاكِهٍ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «إِنَّ الشَّيْطَانَ قَعَدَ لِابْنِ آدَمَ بِأَطْرُقِهِ فَقَعَدَ لَهُ بِطَرِيقِ الْإِسْلَامِ فَقَالَ:

emigrate and leave behind your land and sky? The one who emigrates is like a horse tethered to a peg. But he disobeys him and emigrates. Then he sits, waiting for him, on the path to *Jihâd*, and he says: Will you fight in *Jihâd* when it will cost you your life and your wealth? You will fight and be killed, and your wife will remarry, and your wealth will be divided. But he disobeys him and fights in *Jihâd*.' The Messenger of Allâh ﷺ said: 'Whoever does that, then he has a right from Allâh, the Mighty and Sublime, that He will admit him to Paradise. Whoever is killed, he has a right from Allâh, the Mighty and Sublime, that He will admit him to Paradise. If he is drowned, he has a right from Allâh that He will admit him to Paradise, or whoever is thrown by his mount and his neck is broken, he has a right from Allâh, that He will admit him to Paradise.'" (***Hasan***)

تُسْلِمُ وَتَذَرُ دِينَكَ وَدِينَ آبَائِكَ وَآبَاءِ أَبِيكَ فَعَصَاهُ فَأَسْلَمَ، ثُمَّ قَعَدَ لَهُ بِطَرِيقِ الْهِجْرَةِ فَقَالَ: تُهَاجِرُ وَتَدَعُ أَرْضَكَ وَسَمَاءَكَ وَإِنَّمَا مَثَلُ الْمُهَاجِرِ كَمَثَلِ الْفَرَسِ فِي الطِّوَلِ فَعَصَاهُ فَهَاجَرَ، ثُمَّ قَعَدَ لَهُ بِطَرِيقِ الْجِهَادِ فَقَالَ: تُجَاهِدُ فَهُوَ جَهْدُ النَّفْسِ وَالْمَالِ فَتُقَاتِلُ فَتُقْتَلُ فَتُنْكَحُ الْمَرْأَةُ وَيُقْسَمُ الْمَالُ فَعَصَاهُ فَجَاهَدَ» فَقَالَ رَسُولُ اللهِ ﷺ: «فَمَنْ فَعَلَ ذٰلِكَ كَانَ حَقًّا عَلَى اللهِ عَزَّ وَجَلَّ أَنْ يُدْخِلَهُ الْجَنَّةَ، وَمَنْ قُتِلَ كَانَ حَقًّا عَلَى اللهِ عَزَّ وَجَلَّ أَنْ يُدْخِلَهُ الْجَنَّةَ، وَإِنْ غَرِقَ كَانَ حَقًّا عَلَى اللهِ أَنْ يُدْخِلَهُ الْجَنَّةَ أَوْ وَقَصَتْهُ دَابَّتُهُ كَانَ حَقًّا عَلَى اللهِ أَنْ يُدْخِلَهُ الْجَنَّةَ».

تخريج: [إسناده حسن] أخرجه أحمد: ٣/ ٤٨٣ عن أبي النضر به، وهو في الكبرى، ح: ٤٣٤٢، وصححه ابن حبان، ح: ١٦٠١، والعراقي في تخريج الإحياء، وحسنه الحافظ في الإصابة .

Comments

'A tethered horse', this is the utterance of the devil or Shaitân; it means one's being away from one's homeland is like being fettered and imprisoned. As a tethered horse cannot walk around freely, in the same way, an emigrant also becomes a captive in his own home, or a homebound captive.

Chapter 20. The Virtue Of The One Who Spends On A Pair (Of Things) In The Cause Of Allâh, The Mighty And Sublime

(المعجم ٢٠) - بَابُ فَضْلِ مَنْ أَنْفَقَ زَوْجَيْنِ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ٢٠)

3137. Abû Hurairah used to narrate that the Messenger of Allâh ﷺ said: "Whoever spends on a pair (of things) in the cause of

٣١٣٧ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعْدِ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَمِّي قَالَ: حَدَّثَنَا أَبِي

Allâh, he will be called in Paradise: 'O slave of Allâh, here is prosperity.' Whoever is one of those who pray, he will be called from the gate of Paradise. Whoever is one of those who participated in *Jihâd*, he will be called from the gate of Paradise. Whoever is one of those who gave charity, he will be called from the gate of Paradise. Whoever is one of those who fasts, he will be called from the gate of Ar-Rayyân." Abû Bakr Aṣ-Ṣiddîq said: "O Messenger of Allâh! No distress, or need will befall the one who is called from those gates. Will there be anyone who will be called from all these gates?" The Messenger of Allâh ﷺ said: "Yes, and I hope that you will be one of them." (*Ṣaḥîḥ*)

عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ أَنَّ حُمَيْدَ بْنَ عَبْدِ الرَّحْمٰنِ أَخْبَرَهُ أَنَّ أَبَا هُرَيْرَةَ كَانَ يُحَدِّثُ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ أَنْفَقَ زَوْجَيْنِ فِي سَبِيلِ اللهِ نُودِيَ فِي الْجَنَّةِ يَا عَبْدَ اللهِ! هٰذَا خَيْرٌ، فَمَنْ كَانَ مِنْ أَهْلِ الصَّلَاةِ دُعِيَ مِنْ بَابِ الصَّلَاةِ، وَمَنْ كَانَ مِنْ أَهْلِ الْجِهَادِ دُعِيَ مِنْ بَابِ الْجِهَادِ، وَمَنْ كَانَ مِنْ أَهْلِ الصَّدَقَةِ دُعِيَ مِنْ بَابِ الصَّدَقَةِ، وَمَنْ كَانَ مِنْ أَهْلِ الصِّيَامِ دُعِيَ مِنْ بَابِ الرَّيَّانِ» فَقَالَ أَبُو بَكْرٍ: يَا نَبِيَّ اللهِ! مَا عَلَى الَّذِي يُدْعَى مِنْ تِلْكَ الأَبْوَابِ كُلِّهَا مِنْ ضَرُورَةٍ هَلْ يُدْعَى أَحَدٌ مِنْ تِلْكَ الْأَبْوَابِ كُلِّهَا؟ قَالَ: «نَعَمْ، وَأَرْجُو أَنْ تَكُونَ مِنْهُمْ».

تخريج: [صحيح] تقدم، ح: ٢٢٤٠، وهو في الكبرى، ح: ٤٣٤٣.

Chapter 21. Whoever Fights So That The Word Of Allâh Will Be Supreme

(المعجم ٢١) - مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللهِ هِيَ الْعُلْيَا (التحفة ٢١)

3138. Abû Mûsa Al-Ash'arî said: "A Bedouin came to the Messenger of Allâh ﷺ and said: 'A man fights for fame, or he fights for the spoils of war, or he fights to show off. Who is the one who is fighting in the cause of Allâh?' He said: 'The one who fights so that the word of Allâh will be supreme is the one who is fighting in the cause of Allâh, the Mighty and Sublime.'" (*Ṣaḥîḥ*)

٣١٣٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ أَنَّ عَمْرَو بْنَ مُرَّةَ أَخْبَرَهُمْ قَالَ: سَمِعْتُ أَبَا وَائِلٍ قَالَ: حَدَّثَنَا أَبُو مُوسَى الْأَشْعَرِيُّ قَالَ: جَاءَ أَعْرَابِيٌّ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: الرَّجُلُ يُقَاتِلُ لِيُذْكَرَ، وَيُقَاتِلُ لِيَغْنَمَ، وَيُقَاتِلُ لِيُرَى مَكَانُهُ، فَمَنْ فِي سَبِيلِ اللّهِ؟ قَالَ: «مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللهِ هِيَ الْعُلْيَا فَهُوَ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ».

تخريج: أخرجه البخاري، الجهاد، باب من قاتل لتكون كلمة الله هي العليا، ح: ٢٨١٠، ومسلم، الإمارة، باب من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله، ح: ١٩٠٤ من حديث شعبة به، وهو في الكبرٰى، ح: ٤٣٤٤.

Comments

The Word of Allâh signifies Allâh's Message and the Religion.

Chapter 22. The One Who Fights So That It Will Be Said That So-And-So Was Brave

(المعجم ٢٢) - **مَنْ قَاتَلَ لِيُقَالَ فَلَانٌ جَرِيءٌ** (التحفة ٢٢)

3139. It was narrated from Abû Hurairah, that one of the people of Ash-Shâm said to him: "O *Shaikh*, tell me of a *Hadîth* that you heard from the Messenger of Allâh ﷺ." (He said: "Yes; I heard the Messenger of Allâh ﷺ) say: 'The first of people for whom judgment will be passed on the Day of Resurrection are three. A man who was martyred. He will be brought and Allâh will remind him of His blessings and he will acknowledge them. He will say: What did you do with them? He will say: I fought for Your sake until I was martyred. He will say: You are lying. You fought so that it would be said that so-and-so is brave, and it was said. Then He will order that he be dragged on his face and thrown into the Fire. And (the second will be) a man who acquired knowledge and taught others, and read Qur'ân. He will be brought, and Allâh will remind him of His blessings, and he will acknowledge them. He will say: What did you do with them? He will say: I acquired knowledge and taught others, and read the Qur'ân for Your sake. He will say: You are lying. You acquired knowledge so

٣١٣٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ قَالَ: حَدَّثَنَا يُونُسُ بْنُ يُوسُفَ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ قَالَ: تَفَرَّقَ النَّاسُ عَنْ أَبِي هُرَيْرَةَ فَقَالَ لَهُ نَاتِلٌ مِنْ أَهْلِ الشَّامِ: أَيُّهَا الشَّيْخُ! حَدِّثْنِي حَدِيثًا سَمِعْتَهُ مِنْ رَسُولِ اللهِ ﷺ [قَالَ: نَعَمْ سَمِعْتُ رَسُولَ اللهِ ﷺ] يَقُولُ: «أَوَّلُ النَّاسِ يُقْضَى لَهُمْ يَوْمَ الْقِيَامَةِ ثَلَاثَةٌ: رَجُلٌ اسْتُشْهِدَ فَأُتِيَ بِهِ فَعَرَّفَهُ نِعَمَهُ فَعَرَفَهَا قَالَ: فَمَا عَمِلْتَ فِيهَا؟ قَالَ: قَاتَلْتُ فِيكَ حَتَّى اسْتُشْهِدْتُ قَالَ: كَذَبْتَ، وَلٰكِنَّكَ قَاتَلْتَ لِيُقَالَ فُلَانٌ جَرِيءٌ فَقَدْ قِيلَ ثُمَّ أُمِرَ بِهِ فَسُحِبَ عَلَى وَجْهِهِ حَتَّى أُلْقِيَ فِي النَّارِ، وَرَجُلٌ تَعَلَّمَ الْعِلْمَ وَعَلَّمَهُ وَقَرَأَ الْقُرْآنَ فَأُتِيَ بِهِ فَعَرَّفَهُ نِعَمَهُ فَعَرَفَهَا قَالَ: فَمَا عَمِلْتَ فِيهَا؟ قَالَ: تَعَلَّمْتُ الْعِلْمَ وَعَلَّمْتُهُ وَقَرَأْتُ فِيكَ الْقُرْآنَ قَالَ: كَذَبْتَ وَلٰكِنَّكَ تَعَلَّمْتَ الْعِلْمَ لِيُقَالَ عَالِمٌ وَقَرَأْتَ الْقُرْآنَ لِيُقَالَ قَارِىءٌ فَقَدْ قِيلَ ثُمَّ أُمِرَ بِهِ فَسُحِبَ عَلَى وَجْهِهِ حَتَّى أُلْقِيَ فِي النَّارِ، وَرَجُلٌ وَسَّعَ اللهُ عَلَيْهِ وَأَعْطَاهُ مِنْ أَصْنَافِ الْمَالِ كُلِّهِ فَأُتِيَ بِهِ فَعَرَّفَهُ نِعَمَهُ فَعَرَفَهَا فَقَالَ:

that it would be said that you were a scholar; and you read Qur'ân, so that it would be said that you were a reciter, and it was said. Then He will order that he be dragged on his face and thrown into the Fire. And (the third will be) a man whom Allâh made rich and gave him all kinds of wealth. He will be brought and Allâh will remind him of His blessings, and he will acknowledge them. He will say: What did you do with them? He will say: I did not leave any way that You like wealth to be spent – Abû 'Abdur-Raḥmân (An-Nasâ'î) said: I did not understand "what You like" as I wanted to[1] – "but I spent it." He will say: "You are lying. You spent it so that it would be said that he was generous, and it was said." Then He will order that he be dragged on his face and thrown into the Fire."' (*Ṣaḥîḥ*)

مَا عَمِلْتَ فِيهَا؟ قَالَ: مَا تَرَكْتُ مِنْ سَبِيلٍ تُحِبُّ».

- قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: وَلَمْ أَفْهَمْ تُحِبُّ - كَمَا أَرَدْتُ «أَنْ يُنْفَقَ فِيهَا إِلَّا أَنْفَقْتُ فِيهَا لَكَ قَالَ: كَذَبْتَ وَلٰكِنْ لِيُقَالَ إِنَّهُ جَوَادٌ فَقَدْ قِيلَ ثُمَّ أُمِرَ بِهِ فَسُحِبَ عَلَى وَجْهِهِ فَأُلْقِيَ فِي النَّارِ».

تخريج: أخرجه مسلم، الإمارة، باب من قاتل للرياء والسمعة استحق النار، ح:١٩٠٥ من حديث خالد بن الحارث به، وهو في الكبرى، ح:٤٣٤٥.

Comments

The significance is that actions might have been extremely good; but if the intention is not right, such actions would then become the means of punishment rather than reward.

Chapter 23. The One Who Fights In The Cause Of Allâh, Intending Only To Get An *'Iqâl*[2]

(المعجم ٢٣) - **مَنْ غَزَا فِي سَبِيلِ اللهِ وَلَمْ يَنْوِ مِنْ غَزَاتِهِ إِلَّا عِقَالًا** (التحفة ٢٣)

3140. It was narrated from Yaḥya

٣١٤٠ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ:

[1] That is, he did not hear or understand what came after it as well as he wanted to, but it was similar to what follows regarding the spending. Similar was stated by Shaikh 'Abdur-Raḥmân Al-punjânî in his notes on the text, according to Al-Funjânî in his commentary *At-Ta'iqât As-Salafiyyah* (2:51)

[2] *Al-'Iqâl*: The rope by which the camel's fore-leg is fettered. (As-Sindî). Some of them will say that it is symbol of wealth in general.

bin Al-Walîd bin 'Ubâdah bin As-Şâmit that his grandfather said: "The Messenger of Allâh ﷺ said: 'Whoever fights in the cause of Allâh intending only to get an *'Iqâl*, he will have what he intended." (***Hasan***)

حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ جَبَلَةَ بْنِ عَطِيَّةَ، عَنْ يَحْيَى بْنِ الْوَلِيدِ بْنِ عُبَادَةَ بْنِ الصَّامِتِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ غَزَا فِي سَبِيلِ اللهِ وَلَمْ يَنْوِ إِلَّا عِقَالًا فَلَهُ مَا نَوَى».

تخريج: [إسناده حسن] أخرجه أحمد:٥/ ٣٢٠ عن عبدالرحمن بن مهدي به، وهو في الكبرى، ح:٤٣٤٦، وصححه ابن حبان، ح:١٦٠٥، والحاكم:٢/١٠٩، والذهبي، وله شواهد عند أبي داود، ح:٢٥٢٧ وغيره.

3141. It was narrated from 'Ubâdah bin As-Şâmit that the Messenger of Allâh ﷺ said: "Whoever fights seeking only an *'Iqâl*, then he will have what he intended." (***Hasan***)

٣١٤١ - أَخْبَرَنِي هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ قَالَ: أَخْبَرَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ جَبَلَةَ بْنِ عَطِيَّةَ، عَنْ يَحْيَى بْنِ الْوَلِيدِ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ غَزَا وَهُوَ لَا يُرِيدُ إِلَّا عِقَالًا فَلَهُ مَا نَوَى».

تخريج: [حسن] انظر الحديث السابق، وأخرجه أحمد:٥/٣١٥ عن يزيد به، وهو في الكبرى، ح:٤٣٤٧ .

Comments

'What intended' means he shall not gain the recompense in the Hereafter, because he never intended it. So far as the worldly goods and chattels remain, he might acquire them. He might probably not get them also.

Chapter 24. The One Who Fights Seeking Reward And Fame

(المعجم ٢٤) - مَنْ غَزَا يَلْتَمِسُ الأَجْرَ وَالذِّكْرَ (التحفة ٢٤)

3142. It was narrated that Abû 'Umâmah Al-Bâhilî said: "A man came to the Prophet ﷺ and said: 'What do you think of a man who fights seeking reward and fame – what will he have?' The Messenger of Allâh ﷺ said: 'He will not have anything.' He repeated it three times, and the Prophet ﷺ said to him: 'He will not have anything.'

٣١٤٢ - أَخْبَرَنَا عِيسَى بْنُ هِلَالٍ الْحِمْصِيُّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ حِمْيَرٍ قَالَ: حَدَّثَنَا مُعَاوِيَةُ بْنُ سَلَّامٍ عَنْ عِكْرِمَةَ بْنِ عَمَّارٍ، عَنْ شَدَّادٍ أَبِي عَمَّارٍ، عَنْ أَبِي أُمَامَةَ الْبَاهِلِيِّ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: أَرَأَيْتَ رَجُلًا غَزَا يَلْتَمِسُ الأَجْرَ

Then he said: 'Allâh does not accept any deed, except that which is purely for Him, and seeking His Face.'" (*Hasan*)

وَالذِّكْرَ مَا لَهُ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «لَا شَيْءَ لَهُ» فَأَعَادَهَا ثَلَاثَ مَرَّاتٍ يَقُولُ لَهُ رَسُولُ اللهِ ﷺ: «لَا شَيْءَ لَهُ» ثُمَّ قَالَ: «إِنَّ اللهَ لَا يَقْبَلُ مِنَ الْعَمَلِ إِلَّا مَا كَانَ لَهُ خَالِصًا وَابْتُغِيَ بِهِ وَجْهُهُ».

تخريج: [إسناده حسن] وهو في الكبرى، ح:٤٣٤٨، وحسنه العراقي في تخريج الإحياء.

Chapter 25. The Reward Of The One Who Fights In The Cause Of Allâh For The Length Of Time Between Two Milkings Of A She-Camel

(المعجم ٢٥) - ثَوَابُ مَنْ قَاتَلَ فِي سَبِيلِ اللهِ فَوَاقَ نَاقَةٍ (التحفة ٢٥)

3143. Mu'âdh bin Jabal said that he heard the Prophet ﷺ say: "Whoever fights in the cause of Allâh, the Mighty and Sublime, for the length of time between two milkings of a she-camel, Paradise is guaranteed for him. Whoever asks Allâh to be killed (in *Jihâd*) sincerely, from his heart, then dies or is killed, he will have the reward of a martyr. Whoever is wounded or injured in the cause of Allâh, it will come on the Day of Resurrection bleeding the most it ever bled, but its color will be like saffron, and its fragrance will be like musk. Whoever is wounded in the cause of Allâh, upon him is the seal of the martyrs." (*Sahîh*)

٣١٤٣ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ: سَمِعْتُ حَجَّاجًا: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ مُوسَى قَالَ: حَدَّثَنَا مَالِكُ ابْنُ يُخَامِرَ أَنَّ مُعَاذَ بْنَ جَبَلٍ حَدَّثَهُمْ أَنَّهُ سَمِعَ النَّبِيَّ ﷺ يَقُولُ: «مَنْ قَاتَلَ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ مِنْ رَجُلٍ مُسْلِمٍ فَوَاقَ نَاقَةٍ وَجَبَتْ لَهُ الْجَنَّةُ، وَمَنْ سَأَلَ اللهَ الْقَتْلَ مِنْ عِنْدِ نَفْسِهِ صَادِقًا ثُمَّ مَاتَ أَوْ قُتِلَ فَلَهُ أَجْرُ شَهِيدٍ، وَمَنْ جُرِحَ جُرْحًا فِي سَبِيلِ اللهِ أَوْ نُكِبَ نَكْبَةً فَإِنَّهَا تَجِيءُ يَوْمَ الْقِيَامَةِ كَأَغْزَرِ مَا كَانَتْ لَوْنُهَا كَالزَّعْفَرَانِ وَرِيحُهَا كَالْمِسْكِ، وَمَنْ جُرِحَ جُرْحًا فِي سَبِيلِ اللهِ فَعَلَيْهِ طَابَعُ الشُّهَدَاءِ».

تخريج: [إسناده صحيح] أخرجه الترمذي، فضائل الجهاد، باب ماجاء فيمن يكلم في سبيل الله، ح:١٦٥٧، ح:١٦٥٤ من حديث ابن جريج به، وقال: "حسن صحيح"، وهو في الكبرى، ح:٤٣٤٩.

Comments

A she-camel's udders are small and hard. After milking her a little bit, one gets tired. The flow of milk also stops temporarily. After a little rest or pause, the supply of milk returns and the milk gets collected again in her udders, and

one starts to milk once again. Thus this task is accomplished after many pauses and rests. A rest or pause between two milkings is called *Fuwâq* in Arabic. This rest lasts for a few minutes, not more. Allâh, Most High, does not look at the time and the quantity. Allâh, Most High, sees the intention and the condition of the heart. It forms the very basis of the recompense too.

Chapter 26. The Reward Of The One Who Shoots An Arrow In The Cause Of Allâh, The Mighty And Sublime

(المعجم ٢٦) - ثَوَابُ مَنْ رَمَى بِسَهْمٍ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ٢٦)

3144. It was narrated from Shurahbîl bin As-Simṭ that he said to 'Amr bin 'Abasah: "O 'Amr! Tell us a *Ḥadîth* that you heard from the Messenger of Allâh ﷺ." He said: "I heard the Messenger of Allâh ﷺ say: 'Whoever develops one gray hair in the cause of Allâh, Most High, it will be light for him on the Day of Resurrection. Whoever shoots an arrow in the cause of Allâh, Most High, whether it reaches the enemy or not, it will be as if he freed a slave. Whoever frees a believing slave, it will be a ransom for him from the Fire, limb by limb.'" (*Ṣaḥîḥ*)

٣١٤٤ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدِ بْنِ كَثِيرٍ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ صَفْوَانَ [قَالَ]: حَدَّثَنِي سُلَيْمُ بْنُ عَامِرٍ عَنْ شُرَحْبِيلَ ابْنِ السِّمْطِ أَنَّهُ قَالَ لِعَمْرِو بْنِ عَبَسَةَ: يَا عَمْرُو! حَدِّثْنَا حَدِيثًا سَمِعْتَهُ مِنْ رَسُولِ اللهِ ﷺ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ شَابَ شَيْبَةً فِي سَبِيلِ اللهِ تَعَالَى كَانَتْ لَهُ نُورًا يَوْمَ الْقِيَامَةِ، وَمَنْ رَمَى بِسَهْمٍ فِي سَبِيلِ اللهِ تَعَالَى بَلَغَ الْعَدُوَّ أَوْ لَمْ يَبْلُغْ كَانَ لَهُ كَعِتْقِ رَقَبَةٍ، وَمَنْ أَعْتَقَ رَقَبَةً مُؤْمِنَةً كَانَتْ لَهُ فِدَاءَهُ مِنَ النَّارِ عُضْوًا بِعُضْوٍ».

تخريج: [صحيح] أخرجه أبو داود، العتق، باب أي الرقاب أفضل، ح:٣٩٦٦ من حديث بقية به، وهو في الكبرٰى، ح:٤٣٥٠، وللحديث شواهد كثيرة جدًا.

3145. It was narrated that Abû Najîḥ As-Sulamî said: "I heard the Messenger of Allâh ﷺ say: 'Whoever shoots an arrow in the cause of Allâh and it hits the target, it will raise him one level in Paradise.' That day I shot sixteen arrows that hit their targets." He said: "And I heard the Messenger of Allâh ﷺ say: 'Whoever shoots an arrow in the cause of Allâh, it is

٣١٤٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا هِشَامٌ قَالَ: حَدَّثَنَا قَتَادَةُ عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ مَعْدَانَ ابْنِ أَبِي طَلْحَةَ، عَنْ أَبِي نَجِيحٍ السُّلَمِيِّ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ بَلَغَ بِسَهْمٍ فِي سَبِيلِ اللهِ فَهُوَ لَهُ دَرَجَةٌ فِي الْجَنَّةِ». فَبَلَّغْتُ يَوْمَئِذٍ سِتَّةَ عَشَرَ سَهْمًا قَالَ: وَسَمِعْتُ

equal to the reward of freeing a slave.'" (*Sahîh*)

رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ رَمَى بِسَهْمٍ فِي سَبِيلِ اللهِ فَهُوَ عِدْلُ مُحَرَّرٍ».

تخريج: [**إسناده صحيح**] أخرجه أبو داود، العتق، باب أي الرقاب أفضل، ح:٣٩٦٥ من حديث هشام الدستوائي به، وهو في الكبرى، ح:٤٣٥١، وصححه الترمذي، ح:١٦٣٨، وابن حبان، ح:١٤٧٨، والحاكم:٢/ ٩٥، ١٢١، ٣/ ٥٠، والذهبي، وحسنه البغوي * أبو نجيح هو عمرو بن عبسة، وقتادة صرح بالسماع عند ابن المبارك في الجهاد، ح:٢١٩، والبيهقي:٩/ ١٦١ وغيرهما.

3146. It was narrated that Shurâhbîl bin As-Simt said to Ka'b bin Murrah: "O Ka'b! Tell us a *Hadîth* from the Messenger of Allâh ﷺ and be careful." He said: "I heard him say: 'Whoever develops one gray hair in Islam, in the cause of Allâh, it will be light for him on the Day of Resurrection.'" He said to him: "Tell us about the Prophet ﷺ and be careful." He said: "I heard him say: 'Shoot, and whoever hits the enemy with an arrow, Allâh will raise him one degree in status thereby.'" Ibn An-Nahhâm said: 'O Messenger of Allâh, what is a degree?' He said: 'It is not like the doorstep of your mother;[1] rather (the distance) between two degrees is (that of) a hundred years.'" (*Da'îf*)

٣١٤٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ قَالَ: حَدَّثَنَا الْأَعْمَشُ عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ شُرَحْبِيلَ بْنِ السِّمْطِ، قَالَ لِكَعْبِ بْنِ مُرَّةَ: يَا كَعْبُ! حَدِّثْنَا عَنْ رَسُولِ اللهِ ﷺ وَاحْذَرْ قَالَ: سَمِعْتُهُ يَقُولُ: «مَنْ شَابَ شَيْبَةً فِي الْإِسْلَامِ فِي سَبِيلِ اللهِ كَانَتْ لَهُ نُورًا يَوْمَ الْقِيَامَةِ». قَالَ لَهُ: حَدِّثْنَا عَنِ النَّبِيِّ ﷺ وَاحْذَرْ قَالَ: سَمِعْتُهُ يَقُولُ: «ارْمُوا مَنْ بَلَغَ الْعَدُوَّ بِسَهْمٍ رَفَعَهُ اللهُ بِهِ دَرَجَةً» قَالَ ابْنُ النَّحَّامِ: يَا رَسُولَ اللهِ! وَمَا الدَّرَجَةُ؟ قَالَ: «أَمَا أَنَّهَا لَيْسَتْ بِعَتَبَةِ أُمِّكَ وَلٰكِنْ مَا بَيْنَ الدَّرَجَتَيْنِ مِائَةُ عَامٍ».

تخريج: [**إسناده ضعيف**] أخرجه ابن ماجه، العتق، باب العتق، ح:٢٥٢٢ عن محمد بن العلاء به، وهو في الكبرى، ح:٤٣٥٢، وقال أبو داود، ح:٣٩٦٧ "سالم لم يسمع من شرحبيل، مات شرحبيل بصفين"، وللحديث شواهد عند مسلم، ح:١٥٠٩، والحميدي، ح:٧٦٧ وغيرهما.

3147. It was narrated that Shurâhbîl bin As-Simt said: "I said: 'O 'Amr bin 'Abasah! Tell us a *Hadîth* that you heard from the Messenger of Allâh ﷺ without

٣١٤٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا الْمُعْتَمِرُ قَالَ: سَمِعْتُ خَالِدًا - يَعْنِي ابْنَ زَيْدٍ - أَبَا عَبْدِ الرَّحْمٰنِ الشَّامِيَّ

[1] As explained after it; the degree of distance is greater than such a degree in this world.

يُحَدِّثُ عَنْ شُرَحْبِيلَ بْنِ السِّمْطِ، عَنْ عَمْرِو ابْنِ عَبَسَةَ قَالَ: قُلْتُ يَا عَمْرُو بْنَ عَبَسَةَ! حَدِّثْنَا حَدِيثًا سَمِعْتَهُ مِنْ رَسُولِ اللهِ ﷺ لَيْسَ فِيهِ نِسْيَانٌ وَلَا تَنَقُّصٌ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ رَمَى بِسَهْمٍ فِي سَبِيلِ اللهِ فَبَلَغَ الْعَدُوَّ أَخْطَأَ أَوْ أَصَابَ كَانَ لَهُ كَعِدْلِ رَقَبَةٍ، وَمَنْ أَعْتَقَ رَقَبَةً مُسْلِمَةً كَانَ فِدَاءُ كُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنْهُ مِنْ نَارِ جَهَنَّمَ، وَمَنْ شَابَ شَيْبَةً فِي سَبِيلِ اللهِ كَانَتْ لَهُ نُورًا يَوْمَ الْقِيَامَةِ».

forgetting or omitting anything.' He said: 'I heard the Messenger of Allâh ﷺ say: Whoever shoots and arrow in the cause of Allâh, and it reaches the enemy, whether it misses or hits, it will be as if he freed slave. Whoever frees a believing slave, that will be a ransom for him, limb by limb, from the Fire of Hell. Whoever develops a gray hair in the cause of Allâh, it will be light for him on the Day of Resurrection." (*Ṣaḥîḥ*)

تخريج: [صحيح] أخرجه أبو داود، العتق، باب أي الرقاب أفضل؟، ح:٣٩٦٦ من حديث شرحبيل به، وهو في الكبرٰى؛ ح:٤٣٥٣، وانظر الحديث السابق والذين قبله.

٣١٤٨ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ عَنِ الْوَلِيدِ، عَنِ ابْنِ جَابِرٍ، عَنْ أَبِي سَلَّامٍ الْأَسْوَدِ، عَنْ خَالِدِ بْنِ زَيْدٍ، عَنْ عُقْبَةَ ابْنِ عَامِرٍ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ اللهَ عَزَّ وَجَلَّ يُدْخِلُ ثَلَاثَةَ نَفَرٍ الْجَنَّةَ بِالسَّهْمِ الْوَاحِدِ: صَانِعَهُ يَحْتَسِبُ فِي صَنْعَتِهِ الْخَيْرَ وَالرَّامِيَ بِهِ، وَمُنَبِّلَهُ».

3148. It was narrated from 'Uqbah bin 'Âmir that the Prophet ﷺ said: "Allâh, the Mighty and Sublime, will admit three people into Paradise for one arrow: The one who makes it, intending it to be used for a good cause, the one who shoots it, and the one who passes it to him." (*Ḥasan*)

تخريج: [أسناده حسن] أخرجه أبو داود، الجهاد، باب: في الرمي، ح:٢٥١٣ من حديث عبدالرحمٰن بن يزيد بن جابر به، وهو في الكبرٰى، ح:٤٣٥٤، وصححه الحاكم:٣/ ٩٥، والذهبي * خالد بن زيد وثقه ابن حبان، والحاكم وغيرهما.

Comments

'The one who passes it': The Arabic term used is '*Munabil*'. It might also include the one who supplies arrows from his own wealth, or the one who retrieves arrows, to be reused.

Chapter 27. The One Who Is Wounded In The Cause Of Allâh, The Mighty And Sublime

(المعجم ٢٧) - **بَابُ مَنْ كُلِمَ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ** (التحفة ٢٧)

3149. It was narrated from Abû Hurairah that the Prophet ﷺ said: "No one is wounded in the cause of Allâh – and Allâh knows best who is wounded in His cause – but he will come on the Day of Resurrection with his wounds bleeding the color of blood, but with the fragrance of musk." (*Ṣaḥîḥ*)

٣١٤٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يُكْلَمُ أَحَدٌ فِي سَبِيلِ اللهِ - وَاللَّهُ أَعْلَمُ بِمَنْ يُكْلَمُ فِي سَبِيلِهِ - إِلَّا جَاءَ يَوْمَ الْقِيَامَةِ وَجُرْحُهُ يَثْعَبُ دَمًا اللَّوْنُ لَوْنُ دَمٍ وَالرِّيحُ رِيحُ الْمِسْكِ».

تخريج: أخرجه مسلم، الإمارة، باب فضل الجهاد والخروج في سبيل الله، ح:١٨٧٦/١٠٥ من حديث سفيان بن عيينة، والبخاري، الجهاد والسير، باب من يجرح في سبيل الله عزوجل:٢٨٠٣ من حديث أبي الزناد به، وهو في الكبرٰى، ح:٤٣٥٥ .

3150. It was narrated that 'Abdullâh bin Tha'labah said: "The Messenger of Allâh ﷺ said: 'Wrap them up with their blood, for there is no wound incurred in the cause of Allâh, but he will come on the Day of Resurrection bleeding with the color of blood, but its fragrance will be that of musk.'" (*Ṣaḥîḥ*)

٣١٥٠ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنِ ابْنِ الْمُبَارَكِ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللهِ بْنِ ثَعْلَبَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «زَمِّلُوهُمْ بِدِمَائِهِمْ، فَإِنَّهُ لَيْسَ كَلْمٌ يُكْلَمُ فِي اللهِ إِلَّا أَتَى يَوْمَ الْقِيَامَةِ جُرْحُهُ يَدْمَى لَوْنُهُ لَوْنُ دَمٍ وَرِيحُهُ رِيحُ الْمِسْكِ».

تخريج: [إسناده صحيح] تقدم، ح:٢٠٠٤، وهو في الكبرٰى، ح:٤٣٥٦.

Chapter 28. What Is To Be Said By The One Who Is Stabbed By The Enemy

(المعجم ٢٨) - **مَا يَقُولُ مَنْ يَطْعَنُهُ الْعَدُوُّ** (التحفة ٢٨)

3151. It was narrated that Jâbir bin 'Abdullâh said: "On the day of Uḥud, the people ran away, and the Messenger of Allâh ﷺ was in one position among twelve men of the Anṣâr, one of whom was Ṭalḥah bin 'Ubaidullâh. He said: 'Who will face the people?' Ṭalḥah

٣١٥١ - أَخْبَرَنَا عَمْرُو بْنُ سَوَّادٍ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يَحْيَى بْنُ أَيُّوبَ وَذَكَرَ آخَرَ قَبْلَهُ عَنْ عُمَارَةَ بْنِ غَزِيَّةَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: لَمَّا كَانَ يَوْمُ أُحُدٍ وَوَلَّى النَّاسُ كَانَ رَسُولُ

said: 'I will.' The Messenger of Allâh ﷺ said: 'Stay where you are.' One of the Anṣâr said: 'I will, O Messenger of Allâh ﷺ.' He said: 'You (go ahead).' So he fought until he was killed. Then he turned and saw the idolators. He said: 'Who will face the people?' Ṭalḥah said: 'I will.' The Messenger of Allâh ﷺ said: 'Stay where you are.' One of the Anṣâr said: 'I will, O Messenger of Allâh ﷺ.' He said: 'You (go ahead).' So he fought until he was killed. This carried on, and each man of the Anṣâr went out to face them and fought like the one before him, and was killed, until only the Messenger of Allâh ﷺ and Ṭalḥah bin 'Ubaidullâh were left. The Messenger of Allâh ﷺ said: 'Who will face the people?' Ṭalḥah said: 'I will.' So Ṭalḥah fought like the eleven before him, until his hand was struck, and his fingers were cut off, and he exclaimed in pain. The Messenger of Allâh ﷺ said: 'If you had said *Bismillâh* (in the Name of Allâh), the angels would have lifted you up with the people looking on.' Then Allâh drove back the idolaters." (***Ḥasan***)

اللهِ ﷺ فِي نَاحِيَةٍ فِي اثْنَيْ عَشَرَ رَجُلًا مِنَ الْأَنْصَارِ وَفِيهِمْ طَلْحَةُ بْنُ عُبَيْدِ اللهِ فَأَدْرَكَهُمُ الْمُشْرِكُونَ، فَالْتَفَتَ رَسُولُ اللهِ ﷺ فَقَالَ: «مَنْ لِلْقَوْمِ؟» فَقَالَ طَلْحَةُ: أَنَا، قَالَ رسولُ اللهِ ﷺ: «كَمَا أَنْتَ»، فَقَالَ رَجُلٌ مِنَ الْأَنْصَارِ: أَنَا يا رَسُولَ اللَّهِ! فَقَالَ: «أَنْتَ»، فَقَاتَلَ حَتَّى قُتِلَ ثُمَّ الْتَفَتَ فَإِذَا الْمُشْرِكُونَ، فَقَالَ: «مَنْ لِلْقَوْمِ؟» فَقَالَ طَلْحَةُ: أَنَا، قَالَ: «كَمَا أَنْتَ»، فَقَالَ رَجُلٌ مِنَ الْأَنْصَارِ: أَنَا، فَقَالَ: «أَنْتَ». فَقَاتَلَ حَتَّى قُتِلَ، ثُمَّ لَمْ يَزَلْ يَقُولُ ذٰلِكَ وَيَخْرُجُ إِلَيْهِمْ رَجُلٌ مِنَ الْأَنْصَارِ فَيُقَاتِلُ قِتَالَ مَنْ قَبْلَهُ حَتَّى يُقْتَلَ حَتَّى بَقِيَ رَسُولُ اللهِ ﷺ وَطَلْحَةُ بْنُ عُبَيْدِ اللهِ، فَقَالَ رَسُولُ اللهِ ﷺ: «مَنْ لِلْقَوْمِ؟» فَقَالَ طَلْحَةُ: أَنَا، فَقَاتَلَ طَلْحَةُ قِتَالَ الْأَحَدَ عَشَرَ حَتَّى ضُرِبَتْ يَدُهُ فَقُطِعَتْ أَصَابِعُهُ، فَقَالَ: حَسِّ، فَقَالَ رَسُولُ اللهِ ﷺ: «لَوْ قُلْتَ بِسْمِ اللهِ لَرَفَعَتْكَ الْمَلَائِكَةُ وَالنَّاسُ يَنْظُرُونَ»، ثُمَّ رَدَّ اللهُ الْمُشْرِكِينَ.

تخريج: [حسن] أخرجه البيهقي في دلائل النبوة:٣/٢٣٦، ٢٣٧ من حديث يحي بن أيوب به، وهو في الكبرى، ح:٤٣٥٧، وللحديث شواهد كثيرة، انظر مجمع الزوائد:٩/١٤٩ وغيره * أبوالزبير عنعن.

Comments

'Twelve Helpers': This incident is related to a particular period of time; otherwise quite a number of Emigrants also had remained steadfast. They were, nevertheless, showing their feats of bravery in other regions of Uhud. Coincidentally, Allâh's Messenger ﷺ happened to be present among a group of the Helpers. They were eleven Helpers in all. Counting Talhah (the Emigrant), the number was said to reach twelve.

Chapter 29. The One Who Fights In The Cause Of Allâh And His Sword Recoils Upon Him And Kills Him

(المعجم ٢٩) - **بَابُ مَنْ قَاتَلَ فِي سَبِيلِ اللهِ فَارْتَدَّ عَلَيْهِ سَيْفُهُ فَقَتَلَهُ** (التحفة ٢٩)

3152. Salamah bin Al-Akwa' said: "On the day of Khaibar, my brother fought fiercely alongside the Messenger of Allâh ﷺ, then his sword recoiled upon him and killed him. The Companions of the Messenger of Allâh ﷺ, complaining about that, said: 'A man has died by his own weapon.'" Salamah said: "The Messenger of Allâh ﷺ returned from Khaibar and I said: 'O Messenger of Allâh, do you permit me to recite some lines of *Rajaz* verse to you?' The Messenger of Allâh ﷺ gave him permission but 'Umar bin Al-Khaṭṭâb, may Allâh be pleased with him, said: "Think what you are saying." "I said:

'By Allâh, if Allâh had not guided us we would not have been guided

We would not have given in charity nor prayed'

The Messenger of Allâh ﷺ said: 'You have spoken the truth.'

(I continued:)

'Send down tranquillity upon us,

And make us steadfast when we meet the enemy.

For the idolators have transgressed against us.'

When I completed my *Rajaz* verse, the Messenger of Allâh ﷺ said: 'Who said that?' I said: 'My brother.' The Messenger of Allâh ﷺ said: 'May Allâh have mercy on him.' I said: 'O Messenger of Allâh, some

٣١٥٢ - أَخْبَرَنَا عَمْرُو بْنُ سَوَّادٍ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ وَعَبْدُ اللهِ ابْنَا كَعْبِ بْنِ مَالِكٍ أَنَّ سَلَمَةَ بْنَ الْأَكْوَعِ قَالَ: لَمَّا كَانَ يَوْمُ خَيْبَرَ قَاتَلَ أَخِي قِتَالًا شَدِيدًا مَعَ رَسُولِ اللهِ ﷺ فَارْتَدَّ عَلَيْهِ سَيْفُهُ فَقَتَلَهُ، فَقَالَ أَصْحَابُ رَسُولِ اللهِ ﷺ فِي ذٰلِكَ وَشَكُّوا فِيهِ: رَجُلٌ مَاتَ بِسِلَاحِهِ، قَالَ سَلَمَةُ: فَقَفَلَ رَسُولُ اللهِ ﷺ مِنْ خَيْبَرَ فَقُلْتُ: يَا رَسُولَ اللهِ! أَتَأْذَنُ لِي أَنْ أَرْتَجِزَ بِكَ؟ فَأَذِنَ لَهُ رَسُولُ اللهِ ﷺ، فَقَالَ عُمَرُ بْنُ الْخَطَّابِ رَضِيَ اللهُ عَنْهُ: اعْلَمْ مَا تَقُولُ فَقُلْتُ:

وَاللّٰهِ لَوْلَا اللهُ مَا اهْتَدَيْنَا
وَلَا تَصَدَّقْنَا وَلَا صَلَّيْنَا

فَقَالَ رَسُولُ اللهِ ﷺ: «صَدَقْتَ».

فَأَنْزِلَنْ سَكِينَةً عَلَيْنَا
وَثَبِّتِ الْأَقْدَامَ إِنْ لَاقَيْنَا
وَالْمُشْرِكُونَ قَدْ بَغَوْا عَلَيْنَا

فَلَمَّا قَضَيْتُ رَجَزِي قَالَ رَسُولُ اللهِ ﷺ: «مَنْ قَالَ هٰذَا؟» قُلْتُ: أَخِي، قَالَ رَسُولُ اللهِ ﷺ: «يَرْحَمُهُ اللّٰهُ» فَقُلْتُ: يَا رَسُولَ اللهِ! وَاللّٰهِ! إِنَّ نَاسًا لَيَهَابُونَ الصَّلَاةَ عَلَيْهِ يَقُولُونَ رَجُلٌ مَاتَ بِسِلَاحِهِ فَقَالَ رَسُولُ اللهِ ﷺ: «مَاتَ جَاهِدًا مُجَاهِدًا». قَالَ ابْنُ شِهَابٍ: ثُمَّ

people are afraid to offer the (funeral) prayer for him, and they are saying that he is a man who died by his own weapon.' The Messenger of Allâh ﷺ said: 'He died striving as a *Mujâhid*.'" Ibn Shihâb said: "Then I asked a son of Salamah bin Al-Akwa', and he narrated a similar report to me from his father, except that he said: 'When I said: Some people are afraid to offer the (funeral) prayer for him, the Messenger of Allâh ﷺ said: They lied. He died striving as a *Mujâhid*, and he will have a twofold reward, and he gestured with two of his fingers.'" (*Ṣaḥîḥ*)

سَأَلْتُ ابْنًا لِسَلَمَةَ بْنِ الْأَكْوَعِ فَحَدَّثَنِي عَنْ أَبِيهِ مِثْلَ ذٰلِكَ، غَيْرَ أَنَّهُ قَالَ: حِينَ قُلْتُ: إِنَّ نَاسًا لَيَهَابُونَ الصَّلَاةَ عَلَيْهِ، فَقَالَ رَسُولُ اللهِ ﷺ: «كَذَبُوا مَاتَ جَاهِدًا مُجَاهِدًا فَلَهُ أَجْرُهُ مَرَّتَيْنِ وَأَشَارَ بِإِصْبَعَيْهِ».

تخريج: أخرجه مسلم، الجهاد، باب غزوة خيبر، ح:١٨٠٢/ ١٢٤ من حديث ابن وهب به، ولم يذكر عبدالله بن كعب، وهو في الكبرٰى، ح:٤٣٥٨.

Comments

The one whose intention is to combat the unbelievers, and he gets killed in the battle, whether at the hands of the enemy, or due to the mistake of his companions, or due to his own mistake by his own hands, he shall be considered a martyr.

Chapter 30. Wishing To Be Killed In The Cause Of Allâh

(المعجم ٣٠) - بَابُ تَمَنِّي الْقَتْلِ فِي سَبِيلِ اللهِ تَعَالَى (التحفة ٣٠)

3153. It was narrated from Abû Hurairah that the Prophet ﷺ said: "Were it not that it would be too difficult for my *Ummah*, I would not have stayed behind from any expedition. But they could not find mounts, and I could not find any mounts for them, and it would be too hard for them to stay behind when I went out. And I wish that I could be killed in the cause of Allâh, then brought back to life, then killed, then brought back to life, then killed," three times. (*Ṣaḥîḥ*)

٣١٥٣ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا يَحْيَى - يَعْنِي ابْنَ سَعِيدٍ الْقَطَّانَ - عَنْ يَحْيَى - يَعْنِي ابْنَ سَعِيدٍ الْأَنْصَارِيَّ - قَالَ: حَدَّثَنَا ذَكْوَانُ أَبُو صَالِحٍ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَوْلَا أَنْ أَشُقَّ عَلَى أُمَّتِي لَمْ أَتَخَلَّفْ عَنْ سَرِيَّةٍ وَلٰكِنْ لَا يَجِدُونَ حَمُولَةً وَلَا أَجِدُ مَا أَحْمِلُهُمْ عَلَيْهِ وَيَشُقُّ عَلَيْهِمْ أَنْ يَتَخَلَّفُوا عَنِّي وَلَوَدِدْتُ أَنِّي قُتِلْتُ فِي سَبِيلِ اللهِ ثُمَّ أُحْيِيتُ، ثُمَّ قُتِلْتُ ثُمَّ أُحْيِيتُ، ثُمَّ قُتِلْتُ» ثَلَاثًا.

تخريج: أخرجه البخاري، الجهاد، باب الجعائل والحملان في السبيل، ح:٢٩٧٢ من حديث يحيى القطان، ومسلم، الإمارة، باب فضل الجهاد والخروج في سبيل الله، ح:١٠٦/١٨٧٦ من حديث يحيى الأنصاري به، وهو في الكبرى، ح:٤٣٥٩.

Comments

(See *Hadîth* 3100)

3154. It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'By the One in Whose hand is my soul, were it not that some men among the believers would not like to stay behind when I went out (to fight), and I could not find any mounts for them, I would not have stayed behind from any campaign that fought in the cause of Allâh. By the One in Whose hand is my soul, I wish that I could be killed in the cause of Allâh, then brought back to life, then killed, then be brought back to life, then killed.'" (*Sahîh*)

٣١٥٤ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ قَالَ: حَدَّثَنَا أَبِي عَنْ شُعَيْبٍ، عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «وَالَّذِي نَفْسِي بِيَدِهِ! لَوْلَا أَنَّ رِجَالًا مِنَ الْمُؤْمِنِينَ لَا تَطِيبُ أَنْفُسُهُمْ بِأَنْ يَتَخَلَّفُوا عَنِّي وَلَا أَجِدُ مَا أَحْمِلُهُمْ عَلَيْهِ مَا تَخَلَّفْتُ عَنْ سَرِيَّةٍ تَغْزُو فِي سَبِيلِ اللهِ، وَالَّذِي نَفْسِي بِيَدِهِ! لَوَدِدْتُ أَنِّي أُقْتَلُ فِي سَبِيلِ اللهِ ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ، ثُمَّ أُحْيَا ثُمَّ أُقْتَلُ».

تخريج: أخرجه البخاري، الجهاد، باب تمني الشهادة، ح:٢٧٩٧ من حديث شعيب به، وهو في الكبرى، ح:٤٣٦٠.

3155. It was narrated from Ibn Abî 'Amîrah that the Messenger of Allâh ﷺ said: "There is no Muslim soul among the people that is taken by its Lord and wishes it could come back to you, even if it had this world and everything in it, except the martyr." Ibn Abî 'Amîrah said: "The Messenger of Allâh ﷺ said: 'If I were to be killed in the cause of Allâh, that would be dearer to me than if all the people of the deserts and the cities were to be mine.'"[1] (*Sahîh*)

٣١٥٥ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ بَحِيرِ بْنِ سَعْدٍ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ جُبَيْرِ بْنِ نُفَيْرٍ، عَنِ ابْنِ أَبِي عَمِيرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَا مِنَ النَّاسِ مِنْ نَفْسٍ مُسْلِمَةٍ يَقْبِضُهَا رَبُّهَا تُحِبُّ أَنْ تَرْجِعَ إِلَيْكُمْ وَأَنَّ لَهَا الدُّنْيَا وَمَا فِيهَا غَيْرُ الشَّهِيدِ». قَالَ ابْنُ أَبِي عَمِيرَةَ: قَالَ رَسُولُ اللهِ ﷺ: «وَلَأَنْ أُقْتَلَ فِي سَبِيلِ اللهِ أَحَبُّ إِلَيَّ مِنْ أَنْ يَكُونَ لِي أَهْلُ الْوَبَرِ وَالْمَدَرِ».

[1] Meaning: If they were all my slaves and I set them free.

تخريج: [صحيح] أخرجه أحمد: ٤/٢١٦ من حديث بقية بن الوليد به، وصرح بالسماع عنده، وهو في الكبرى، ح: ٤٣٦١، وله شاهد يأتي، ح: ٣١٦٢.

Comments

The Muslim will be happy and joyful before Allâh, Most High, whereas a disbelieving hypocrite would implore that he returned so that he could make amends for his sins. But his request will not be granted.

Chapter 31. The Reward Of The One Who Was Killed In The Cause Of Allâh

(المعجم ٣١) - **ثَوَابُ مَنْ قُتِلَ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ** (التحفة ٣١)

3156. It was narrated that 'Amr said: "I heard Jâbir say: 'A man said on the day of Uhud: If I am killed in the cause of Allâh, where do you think I will be? He said: In Paradise. He threw down some dates that were in his hand and fought until he was killed.''' (*Sahih*)

٣١٥٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو قَالَ: سَمِعْتُ جَابِرًا يَقُولُ: قَالَ رَجُلٌ يَوْمَ أُحُدٍ: أَرَأَيْتَ إِنْ قُتِلْتُ فِي سَبِيلِ اللهِ فَأَيْنَ أَنَا؟ قَالَ: «فِي الْجَنَّةِ»، فَأَلْقَى تَمَرَاتٍ فِي يَدِهِ ثُمَّ قَاتَلَ حَتَّى قُتِلَ.

تخريج: أخرجه البخاري، المغازي، باب غزوة أحد، ح: ٤٠٤٦، ومسلم، الإمارة، باب ثبوت الجنة للشهيد، ح: ١٨٩٩ من حديث سفيان بن عيينة به، وهو في الكبرى، ح: ٤٣٦٢.

Chapter 32. The One Who Fights In The Cause Of Allâh But Owes A Debt

(المعجم ٣٢) - **مَنْ قَاتَلَ فِي سَبِيلِ اللهِ تَعَالَى وَعَلَيْهِ دَيْنٌ** (التحفة ٣٢)

3157. It was narrated that Abû Hurairah said: "A man came to the Prophet ﷺ while he was delivering a *Khutbah* from the *Minbar*, and he said: 'If I fight in the cause of Allâh with patience and seeking reward, facing the enemy and not running away, do you think that Allâh will forgive my sins?' He said: 'Yes.' Then he fell silent for a while. Then he said: 'Where is the one who was asking just now?' The man said: 'Here I am.' He said: 'What did you say?' He said: 'I said: If I fight in the cause of Allâh with patience and seeking reward,

٣١٥٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَجْلَانَ عَنْ سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ وَهُوَ يَخْطُبُ عَلَى الْمِنْبَرِ فَقَالَ: أَرَأَيْتَ إِنْ قَاتَلْتُ فِي سَبِيلِ اللهِ صَابِرًا مُحْتَسِبًا مُقْبِلًا غَيْرَ مُدْبِرٍ، أَيُكَفِّرُ اللهُ عَنِّي سَيِّئَاتِي؟ قَالَ: «نَعَمْ» ثُمَّ سَكَتَ سَاعَةً قَالَ: «أَيْنَ السَّائِلُ آنِفًا؟» فَقَالَ الرَّجُلُ: فَهَا أَنَا ذَا، قَالَ: «مَا قُلْتَ؟» قَالَ: أَرَأَيْتَ إِنْ قُتِلْتُ فِي سَبِيلِ اللهِ صَابِرًا مُحْتَسِبًا مُقْبِلًا غَيْرَ

مُدْبِرٍ، أَيُكَفِّرُ اللهُ عَنِّي سَيِّئَاتِي؟ قَالَ: «نَعَمْ إِلَّا الدَّيْنَ سَارَّنِي بِهِ جِبْرِيلُ آنِفًا».

facing the enemy and not running away, do you think that Allâh will forgive my sins?' He said: 'Yes, except for debt. Jibrîl told me that just now.'" (*Ṣaḥîḥ*)

تخريج: [صحيح] أخرجه ابن أبي عاصم في الجهاد: ١٢ من حديث ابن عجلان به، وتابعه عباد بن إسحاق، وأبو صخر حميد بن زياد، وأبومعشر عن سعيد المقبري عن أبي هريرة به، والرواية الآتية هي الراجحة عند الدارقطني، وأبي حاتم الرازي وغيرهما، والحديث في الكبرٰى، ح: ٤٣٦٣، وله شواهد كثيرة جدًا.

Comments

We learn that when even the most meritorious deeds of the rank of martyrdom cannot become the reason or the cause of the forgiveness of the obligations that a man owes to mankind (*Huqooq Al-'Ibâd*); then how could other righteous deeds obliterate man's obligations to humankind?

٣١٥٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ، عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ يَحْيَى ابْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ عَبْدِ اللهِ بْنِ أَبِي قَتَادَةَ، عَنْ أَبِيهِ قَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! أَرَأَيْتَ إِنْ قُتِلْتُ فِي سَبِيلِ اللهِ صَابِرًا مُحْتَسِبًا مُقْبِلًا غَيْرَ مُدْبِرٍ، أَيُكَفِّرُ اللهُ عَنِّي خَطَايَايَ؟ قَالَ رَسُولُ اللهِ ﷺ: «نَعَمْ»، فَلَمَّا وَلَّى الرَّجُلُ نَادَاهُ رَسُولُ اللهِ ﷺ - أَوْ أَمَرَ بِهِ فَنُودِيَ لَهُ - فَقَالَ رَسُولُ اللهِ ﷺ: «كَيْفَ قُلْتَ؟» فَأَعَادَ عَلَيْهِ قَوْلَهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «نَعَمْ إِلَّا الدَّيْنَ، كَذٰلِكَ قَالَ لِي جِبْرِيلُ عَلَيْهِ السَّلَامُ».

3158. It was narrated from 'Abdullâh bin Abî Qatâdah that his father said: "A man came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, if I am killed in the cause of Allâh with patience and seeking reward, facing the enemy and not running away, do you think that Allâh will forgive my sins?' The Messenger of Allâh ﷺ said: 'Yes.' When the man turned away, the Messenger of Allâh ﷺ called him back and said: 'What did you say?' He repeated his question, and the Messenger of Allâh ﷺ said: 'Yes, except debt. Jibrîl told me.'" (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، الإمارة، باب من قتل في سبيل الله كفرت خطاياه إلا الدين، ح: ١٨٨٥ من حديث يحيى بن سعيد الأنصاري به، وهو في الموطأ (يحيى): ٢/ ٤٦١، والكبرٰى، ح: ٤٣٦٤.

3159. It was narrated from 'Abdullâh bin Abî Qatâdah that he heard Abû Qatâdah narrate from the Messenger of Allâh ﷺ, that he stood up among them and said that *Jihâd* in the cause of Allâh and belief in Allâh are the best of deeds. Then a man stood up and said: "O Messenger of Allâh, if I am killed in the cause of Allâh, will Allâh forgive my sins?" The Messenger of Allâh ﷺ said: "Yes, if you are killed in the cause of Allâh, and you are patient and seek reward, and you are facing the enemy, not running away – except for debt. Jibrîl (peace be upon him) told me that." (*Ṣaḥîḥ*)

٣١٥٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ عَبْدِ اللهِ بْنِ أَبِي قَتَادَةَ، عَنْ أَبِي قَتَادَةَ أَنَّهُ سَمِعَهُ يُحَدِّثُ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قَامَ فِيهِمْ فَذَكَرَ لَهُمْ أَنَّ الْجِهَادَ فِي سَبِيلِ اللهِ وَالإِيمَانَ بِاللَّهِ أَفْضَلُ الْأَعْمَالِ، فَقَامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللهِ! أَرَأَيْتَ إِنْ قُتِلْتُ فِي سَبِيلِ اللهِ أَيُكَفِّرُ اللهُ عَنِّي خَطَايَايَ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «نَعَمْ إِنْ قُتِلْتَ فِي سَبِيلِ اللهِ وَأَنْتَ صَابِرٌ مُحْتَسِبٌ مُقْبِلٌ غَيْرُ مُدْبِرٍ إِلَّا الدَّيْنَ، فَإِنَّ جِبْرِيلَ [عَلَيْهِ السَّلَامُ] قَالَ لِي ذٰلِكَ».

تخريج: أخرجه مسلم، ح:١١٧/١٨٨٥ عن قتيبة به، (انظر الحديث السابق) وهو في الكبرى، ح:٤٣٦٥.

3160. It was narrated from 'Abdullâh bin Abî Qatâdah that his father said: "A man came to the Prophet ﷺ when he was on the *Minbar* and said: 'O Messenger of Allâh, do you think that if I wield this sword of mine in the cause of Allâh, with patience and seeking reward, facing the enemy, and not running away, will Allâh forgive my sins?' He said: 'Yes.' When he turned away, he called him back and said: 'Jibrîl says: unless you are in debt.'" (*Ṣaḥîḥ*)

٣١٦٠ - أَخْبَرَنَا عَبْدُ الْجَبَّارِ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو، سَمِعَ مُحَمَّدَ ابْنَ قَيْسٍ، عَنْ عَبْدِ اللهِ بْنِ أَبِي قَتَادَةَ، عَنْ أَبِيهِ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ وَهُوَ عَلَى الْمِنْبَرِ فَقَالَ: يَا رَسُولَ اللهِ! أَرَأَيْتَ إِنْ ضَرَبْتُ بِسَيْفِي هَذَا فِي سَبِيلِ اللهِ صَابِرًا مُحْتَسِبًا مُقْبِلًا غَيْرَ مُدْبِرٍ حَتَّى أُقْتَلَ، أَيُكَفِّرُ اللهُ عَنِّي خَطَايَايَ؟ قَالَ: «نَعَمْ»، فَلَمَّا أَدْبَرَ دَعَاهُ فَقَالَ: «هٰذَا جِبْرِيلُ يَقُولُ إِلَّا أَنْ يَكُونَ عَلَيْكَ دَيْنٌ».

تخريج: أخرجه مسلم، ح:١١٨/٨٨٥ من حديث محمد بن قيس به، (انظر الحديثين السابقين) وهو في الكبرى، ح:٤٣٦٦ * سفيان هو ابن عيينة وعمرو هو ابن دينار.

Chapter 33. Hoping To Die In The Cause Of Allâh

(المعجم ٣٣) - مَا يَتَمَنَّى فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ٣٣)

3161. It was narrated from Kathîr bin Murrah that 'Ubâdah bin Aṣ-Ṣâmit told them that the Messenger of Allâh ﷺ said: "There is no soul on Earth that dies, and is in a good position before Allâh, that would like to come back to you, even if it had all this world, except the one who is killed (in the cause of Allâh); he wishes that he could come back and be killed again." (*Hasan*)

٣١٦١ - أَخْبَرَنَا هَارُونُ بْنُ مُحَمَّدِ بْنِ بَكَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى - وَهُوَ ابْنُ الْقَاسِمِ بْنِ سُمَيْعٍ - قَالَ: حَدَّثَنَا زَيْدُ ابْنُ وَاقِدٍ عَنْ كَثِيرِ بْنِ مُرَّةَ، أَنَّ عُبَادَةَ بْنَ الصَّامِتِ حَدَّثَهُمْ، أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَا عَلَى الْأَرْضِ مِنْ نَفْسٍ تَمُوتُ وَلَهَا عِنْدَ اللهِ خَيْرٌ تُحِبُّ أَنْ تَرْجِعَ إِلَيْكُمْ وَلَهَا الدُّنْيَا إِلَّا الْقَتِيلُ، فَإِنَّهُ يُحِبُّ أَنْ يَرْجِعَ فَيُقْتَلَ مَرَّةً أُخْرَى».

تخريج: [**إسناده حسن**] أخرجه أحمد: ٥/٣١٨، ٣٢٢ من طريق آخر عن كثير به، وهو في الكبرٰى، ح: ٤٣٦٧.

Chapter 34. What The People Of Paradise Wish For

(المعجم ٣٤) - مَا يَتَمَنَّى أَهْلُ الجَنَّةِ (التحفة ٣٤)

3162. It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'A man from among the people of Paradise will be brought and Allâh, the Mighty and Sublime, will say: "O son of Âdam, how do you find your place (in Paradise)?" He would say: "O Lord, it is the best place." He will say: "Ask and wish (for whatever you want)." He would say: "I ask You to send me back to the world so that I may be killed in Your cause ten times" – because of what he sees of the virtue of martyrdom.'" (*Ṣaḥîḥ*)

٣١٦٢ - أَخْبَرَنَا أَبُو بَكْرِ بْنُ نَافِعٍ قَالَ: حَدَّثَنَا بَهْزٌ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «يُؤْتَى بِالرَّجُلِ مِنْ أَهْلِ الْجَنَّةِ فَيَقُولُ اللهُ عَزَّ وَجَلَّ: يَا ابْنَ آدَمَ! كَيْفَ وَجَدْتَ مَنْزِلَكَ؟ فَيَقُولُ: أَيْ رَبِّ! خَيْرَ مَنْزِلٍ، فَيَقُولُ: سَلْ وَتَمَنَّ، فَيَقُولُ: أَسْأَلُكَ أَنْ تَرُدَّنِي إِلَى الدُّنْيَا فَأُقْتَلَ فِي سَبِيلِكَ عَشْرَ مَرَّاتٍ لِمَا يَرَى مِنْ فَضْلِ بِالشَّهَادَةِ».

تخريج: [**إسناده صحيح**] أخرجه أحمد: ٣/١٣١، ٢٠٧، ٢٣٩ من حديث حماد بن سلمة به، وهو في الكبرٰى، ح: ٤٣٦٨.

Chapter 35. What The Martyr Feels Of Pain

(المعجم ٣٥) - مَا يَجِدُ الشَّهِيدُ مِنَ الأَلَمِ (التحفة ٣٥)

3163. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "The martyr does not feel the pain of being killed, except as any one of you feels a pinch." (*Ḍa'îf*)

٣١٦٣ - أَخْبَرَنَا عِمْرَانُ بْنُ يَزِيدَ قَالَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنِ الْقَعْقَاعِ بْنِ حَكِيمٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الشَّهِيدُ لَا يَجِدُ مَسَّ الْقَتْلِ إِلَّا كَمَا يَجِدُ أَحَدُكُمُ الْقَرْصَةَ يُقْرَصُهَا».

تخريج: [إسناده ضعيف] والحديث حسن لغيره أخرجه الترمذي، فضائل الجهاد، باب ما جاء في فضل المرابط، ح:١٦٦٨، وابن ماجه، ح:٢٨٠٢ من حديث ابن عجلان به، وهو في الكبرٰى، ح:٤٣٦٩، وقال الترمذي: "حسن غريب صحيح" * ابن عجلان عنعن، ولحديثه شاهد ضعيف عند الطبراني في الأوسط: ١/ ١٩٨، ٢٨٢ .

Comments

The pleasure of martyrdom and the intensity of Faith is stronger than any pain for the martyr.

Chapter 36. Asking For Martyrdom

(المعجم ٣٦) - مَسْأَلَةُ الشَّهَادَةِ (التحفة ٣٦)

3164. Sahl bin Abî Umâmah bin Sahl bin Ḥunaif narrated from his father, from his grandfather, that the Messenger of Allâh ﷺ said: "Whoever asks Allâh, the Mighty and Sublime, sincerely for martyrdom, Allâh will cause him to reach the status of the martyrs even of he dies in his bed." (*Ṣaḥîḥ*)

٣١٦٤ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الأَعْلَى قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمٰنِ بْنُ شُرَيْحٍ، أَنَّ سَهْلَ بْنَ أَبِي أُمَامَةَ ابْنِ سَهْلِ بْنِ حُنَيْفٍ حَدَّثَهُ عَنْ أَبِيهِ عَنْ جَدِّهِ، أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ سَأَلَ اللهَ عَزَّ وَجَلَّ الشَّهَادَةَ بِصِدْقٍ بَلَّغَهُ اللهُ مَنَازِلَ الشُّهَدَاءِ وَإِنْ مَاتَ عَلَى فِرَاشِهِ».

تخريج: أخرجه مسلم، الإمارة، باب استحباب طلب الشهادة في سبيل الله تعالى، ح:١٩٠٩ من حديث ابن وهب به، وهو في الكبرٰى، ح:٤٣٧٠ .

Comments

1. 'Sincerely': Not for just boastful showing off or eloquence, as is the common customary practice.
2. 'Whoever asks': This is not supplicating for death, but it is a supplication for

an excellent death, whenever it might come. And this is desirable or commendable.

3165. It was narrated from 'Uqbah bin 'Âmir that the Messenger of Allâh ﷺ said: "There are five things, whoever dies of any of them is a martyr. The one who is killed in the cause of Allâh is a martyr; the one who drowns in the cause of Allâh is a martyr; the one who dies of an abdominal complaint in the cause of Allâh is a martyr; the one who dies of the plague in the cause of Allâh is a martyr; and the woman who dies in childbirth in the cause of Allâh is a martyr." (*Sahîh*)

٣١٦٥ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ بْنُ شُرَيْحٍ عَنْ عَبْدِ اللهِ بْنِ ثَعْلَبَةَ الْحَضْرَمِيِّ، أَنَّهُ سَمِعَ ابْنَ حُجَيْرَةَ يُخْبِرُ عَنْ عُقْبَةَ بْنِ عَامِرٍ، أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «خَمْسٌ مَنْ قُبِضَ فِي شَيْءٍ مِنْهُنَّ فَهُوَ شَهِيدٌ: الْمَقْتُولُ فِي سَبِيلِ اللهِ شَهِيدٌ، وَالْغَرِقُ فِي سَبِيلِ اللهِ شَهِيدٌ، وَالْمَبْطُونُ فِي سَبِيلِ اللهِ شَهِيدٌ، وَالْمَطْعُونُ فِي سَبِيلِ اللهِ شَهِيدٌ، وَالنُّفَسَاءُ فِي سَبِيلِ اللهِ شَهِيدٌ».

تخريج: [صحيح] وهو في الكبرى، ح:٤٣٧١، وله شاهد تقدم، ح:٢٠٥٦، وأشار المنذري: ٢/ ٣٣٤ إلى أنه حسن * عبدالله بن ثعلبة لم يوثقه غير ابن حبان.

Comments

In this narration, for every martyr, the condition of being 'in the cause of Allâh' has been laid down, while in other narrations such a condition does not exist.

3166. It was narrated from Al-'Irbâḍ bin Sâriyah that the Messenger of Allâh ﷺ said: "The martyrs and those who died in their beds referred a dispute to our Lord concerning those who died of the plague. The martyrs said: 'Our brothers were killed as we were killed.' And those who died in their beds said: 'Our brothers died on their beds as we died.' Our Lord said: 'Look at their wounds; if their wounds are like the wounds of those who were killed then they are of them and belong with them.' And their wounds were like their (the martyrs') wounds." (*Hasan*)

٣١٦٦ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا بَقِيَّةُ قَالَ: حَدَّثَنَا بَحِيرٌ عَنْ خَالِدٍ، عَنِ ابْنِ أَبِي بِلَالٍ، عَنِ الْعِرْبَاضِ بْنِ سَارِيَةَ، أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «يَخْتَصِمُ الشُّهَدَاءُ وَالْمُتَوَفَّوْنَ عَلَى فُرُشِهِمْ إِلَى رَبِّنَا فِي الَّذِينَ يُتَوَفَّوْنَ مِنَ الطَّاعُونِ فَيَقُولُ الشُّهَدَاءُ: إِخْوَانُنَا قُتِلُوا كَمَا قُتِلْنَا، وَيَقُولُ الْمُتَوَفَّوْنَ عَلَى فُرُشِهِمْ: إِخْوَانُنَا مَاتُوا عَلَى فُرُشِهِمْ كَمَا مُتْنَا، فَيَقُولُ رَبُّنَا: انْظُرُوا إِلَى جِرَاحِهِمْ فَإِنْ أَشْبَهَ جِرَاحُهُمْ جِرَاحَ الْمَقْتُولِينَ، فَإِنَّهُمْ مِنْهُمْ، وَمَعَهُمْ، فَإِذَا جِرَاحُهُمْ قَدْ أَشْبَهَتْ جِرَاحَهُمْ».

تخريج: [حسن] أخرجه الطبراني في الكبير:١٨/ ٢٥٠، ح:٦٢٦ من حديث بقية به، وتابعه إسماعيل بن عياش (أحمد:٤/١٢٨، ١٢٩)، وهو في الكبرى، ح:٤٣٧٢، والحديث السابق شاهد معنوي له * بحير هو ابن سعد، وخالد هو ابن معدان، وعبدالرحمن بن أبي هلال وثقه ابن حبان، وحسن له الترمذي فهو حسن الحديث (نيل المقصود، ح:٥٠٥٧).

Comments

What is outwardly apparent is that this dispute will take place before entering the Paradise, in front of the Lord of the worlds. The basis of this dispute will not be with any grudge or envy, rather the martyrs would wish that the rank of those who had died of plague will be elevated, and they should remain with us. On the other hand, those who had met their death upon their beds would desire that if they (who had died of plague) are getting the rank of the martyrs, we should also be given it, because they equal us in death.

Chapter 37. Meeting In Paradise Of The One Who Killed And The One Who Was Killed In The Cause Of Allâh

(المعجم ٣٧) - اجْتِمَاعُ القَاتِلِ وَالمَقْتُولِ فِي سَبِيلِ اللهِ فِي الجَنَّةِ (التحفة ٣٧)

3167. It was narrated from Abû Hurairah that the Prophet ﷺ said: "Allâh, the Mighty and Sublime, likes it when there are two men, one of whom killed the other, then they both enter Paradise." And another time he said: "He laughs at two men, one of whom killed the other, then they both entered Paradise." (*Sahîh*)

٣١٦٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزِّنَادِ، عَنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ اللهَ عَزَّ وَجَلَّ يَعْجَبُ مِن رَجُلَيْنِ يَقْتُلُ أَحَدُهُمَا صَاحِبَهُ، وَقَالَ مَرَّةً أُخْرَى: «لَيَضْحَكُ مِنْ رَجُلَيْنِ يَقْتُلُ أَحَدُهُمَا صَاحِبَهُ ثُمَّ يَدْخُلَانِ الْجَنَّةَ».

تخريج: أخرجه مسلم، الإمارة، باب بيان الرجلين يقتل أحدهما الآخر، يدخلان الجنة، ح:١٨٩٠ من حديث سفيان بن عيينة، والبخاري، الجهاد والسير، باب الكافر يقتل المسلم ثم يسلم فيسدد بعد ويقتل، ح:٢٨٢٦ من حديث أبي الزناد به، وهو في الكبرى، ح:٤٣٧٣.

Chapter 38. Explanation Of That

(المعجم ٣٨) - تَفْسِيرُ ذَلِكَ (التحفة ٣٨)

3168 It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Allâh laughs at two men, one of whom killed the other but they both entered Paradise. The first one fought in the cause of Allâh and was killed, then Allâh

٣١٦٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ أَبِي الزِّنَادِ، عنِ الأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «يَضْحَكُ اللهُ إِلَى

رَجُلَيْنِ يَقْتُلُ أَحَدُهُمَا الآخَرَ كِلَاهُمَا يَدْخُلُ الْجَنَّةَ يُقَاتِلُ هٰذَا فِي سَبِيلِ اللهِ فَيُقْتَلُ، ثُمَّ يَتُوبُ اللهُ عَلَى الْقَاتِلِ فَيُقَاتِلُ فَيُسْتَشْهَدُ».

accepted the repentance of the one who killed him, and he fought and was martyred." (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، الجهاد، باب الكافر يقتل المسلم ثم يسلم فيسدد بعد ويقتل، ح:٢٨٢٦ من حديث مالك به، وهو في الكبرٰى، ح:٤٣٧٤، والموطأ (يحيى):٢/ ٤٦٠ .

Comments

In the narrations above, there is mention of astonishment, laughter, and becoming glad. Therefore, the usage of these words for Allâh, Most High, is undoubtedly correct. Whatever it might signify; as the matters concerning the Self of Allâh, Most High, and His Attributes is beyond our understanding.

Chapter 39. The Virtue Of *Ar-Ribâṭ* (Guarding The Frontier)

(المعجم ٣٩) - فَضْلُ الرِّبَاطِ (التحفة ٣٩)

٣١٦٩ - قال الْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ وَهْبٍ: أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ شُرَيْحٍ عَنْ عَبْدِ الْكَرِيمِ بْنِ الْحَارِثِ، عَنْ أَبِي عُبَيْدَةَ بْنِ عُقْبَةَ، عَنْ شُرَحْبِيلَ بْنِ السِّمْطِ، عَنْ سَلْمَانَ الْخَيْرِ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «مَنْ رَابَطَ يَوْمًا وَلَيْلَةً فِي سَبِيلِ اللهِ كَانَ لَهُ كَأَجْرِ صِيَامِ شَهْرٍ وَقِيَامِهِ، وَمَنْ مَاتَ مُرَابِطًا أُجْرِيَ لَهُ مِثْلُ ذٰلِكَ مِنَ الأَجْرِ، وَأُجْرِيَ عَلَيْهِ الرِّزْقُ، وَأَمِنَ مِنَ الْفَتَّانِ».

3169. It was narrated from Salmân Al-Khair that the Messenger of Allâh ﷺ said: "Whoever guards *Ribâṭ* (the frontier) for one day and one night, will be given a reward like that for fasting and praying *Qiyâm* for a month, and whoever dies at *Ribâṭ* (guarding the frontier) will be rewarded, and he will be given provision, and he will be kept safe from *Al-Fattân*."[1] (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، الإمارة، باب فضل الرباط في سبيل الله عزوجل، ح:١٩١٣ من حديث ابن وهب به، وهو في الكبرٰى، ح:٤٣٧٥ .

Comments

Acquiring training to fight, making ready for combat, and to remain well-equipped and prepared to counter the enemy, also constitute *Jihâd*.

[1] According to As-Sindî, the preferred pronunciation is *Al-Fattân*, plural of *Fâtan* referring to Al-Munkar and An-Nakîr, while *Al-Fattân* would refer to Ash-Shaiṭân or the like, among the punishment of the grave, or, the angels of chastisement.

3170. It was narrated that Salmân said: "I heard the Messenger of Allâh ﷺ say: 'Whoever guards *Ribâṭ* (the frontier) in the cause of Allâh for one day and one night, he will have (a reward) like that of fasting and praying *Qiyâm* for a month. If he dies he will continue to receive reward for what he did, and he will be kept safe from *Al-Fattân*, and he will be given provision.'" (*Ṣaḥîḥ*)

٣١٧٠ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا اللَّيْثُ قَالَ: حَدَّثَنِي أَيُّوبُ بْنُ مُوسَى عَنْ مَكْحُولٍ، عَنْ شُرَحْبِيلَ بْنِ السِّمْطِ، عَنْ سَلْمَانَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ رَابَطَ فِي سَبِيلِ اللهِ يَوْمًا وَلَيْلَةً كَانَتْ لَهُ كَصِيَامِ شَهْرٍ وَقِيَامِهِ، فَإِنْ مَاتَ جَرَى عَلَيْهِ عَمَلُهُ الَّذِي كَانَ يَعْمَلُ، وَأَمِنَ الْفَتَّانَ، وَأُجْرِيَ عَلَيْهِ رِزْقُهُ».

تخريج: أخرجه مسلم، ح:١٦٣/١٩١٣ من حديث الليث بن سعد به، (انظر الحديث السابق) وهو في الكبرى، ح:٤٣٧٦.

Comments

'Provision:' Means as Allâh said: "Nay, they are alive, with their Lord, and they have provision." (*Âl-'Imrân* 3:169) And the Prophet ﷺ explained: "Their souls are in the crops of green birds which have lamps hanging from the throne, and they rom freely wherever they want in the Paradise..." (*Muslim* no. 4885)

3171. It was narrated from Zuhrah bin Ma'bad: "Abû Ṣâliḥ, the freed slave of 'Uthmân, said: 'I heard 'Uthmân bin 'Affân say: I heard the Messenger of Allâh ﷺ say: *Ribâṭ* (guarding the frontier) for one day in the cause of Allâh is better in rank than a thousand days spent within the residence.'" (*Ṣaḥîḥ*)

٣١٧١ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ زُهْرَةَ بْنِ مَعْبَدٍ قَالَ: حَدَّثَنِي أَبُو صَالِحٍ مَوْلَى عُثْمَانَ قَالَ: سَمِعْتُ عُثْمَانَ بْنَ عَفَّانَ رَضِيَ اللهُ عَنْهُ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «رِبَاطُ يَوْمٍ فِي سَبِيلِ اللهِ خَيْرٌ مِنْ أَلْفِ يَوْمٍ فِيمَا سِوَاهُ مِنَ الْمَنَازِلِ».

تخريج: [إسناده صحيح] أخرجه الترمذي، فضائل الجهاد، باب ماجاء في فضل المرابط، ح:١٦٦٧ من حديث الليث بن سعد به، وقال: "حسن صحيح غريب"، وهو في الكبرى، ح:٤٣٧٧، وصححه ابن حبان، والحاكم:٢/٦٨، ١٤٣، والذهبي، وانظر الحديث الآتي.

3172. It was narrated that Abû Ṣâliḥ, the freed slave of 'Uthmân, said: "Uthmân bin 'Affân said: 'I heard the Messenger of Allâh ﷺ say: A day in the cause of Allâh is better than a thousand days doing

٣١٧٢ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ بْنُ مَهْدِيٍّ قَالَ: حَدَّثَنَا ابْنُ الْمُبَارَكِ قَالَ: حَدَّثَنَا أَبُو مَعْنٍ قَالَ: حَدَّثَنَا زُهْرَةُ بْنُ مَعْبَدٍ عَنْ أَبِي صَالِحٍ مَوْلَى

عُثْمَانَ قَالَ: قَالَ عُثْمَانُ بْنُ عَفَّانَ رَضِيَ اللهُ عَنْهُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «يَوْمٌ فِي سَبِيلِ اللهِ خَيْرٌ مِنْ أَلْفِ يَوْمٍ فِيمَا سِوَاهُ».

anything else.'" (*Ṣaḥîḥ*)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٤٣٧٨، وكتاب الجهاد لعبدالله بن المبارك، ح:٧٢، وصححه ابن حبان، ح:١٥٩٢ * أبو معن هو محمد بن معن الأنصاري، أبو صالح اسمه بركان.

Comments

There is nothing astonishing about it. Worship during *Lailatul Qadr* is also more excellent than that of a thousand months, and this is supremely great favor of Allâh.

Chapter 40. The Virtue Of *Jihâd* By Sea

(المعجم ٤٠) - فَضْلُ الجِهَادِ فِي البَحْرِ (التحفة ٤٠)

3173. It was narrated that Anas bin Mâlik said: "When the Messenger of Allâh ﷺ went to Qubâ' he used to come to Umm Ḥarâm bint Milḥân and she would feed him. Umm Ḥarâm was married to 'Ubâdah bin Aṣ-Ṣâmit. The Messenger of Allâh ﷺ entered upon her and she fed him and checked his head for lice. The Messenger of Allâh ﷺ fell asleep, then he woke up smiling. She said: 'What is making you smile, O Messenger of Allâh?' He said: 'Some people of my *Ummah* were shown to me, fighting in the cause of Allâh and riding across the sea like kings on thrones.' I said: 'O Messenger of Allâh, pray to Allâh to make me one of them.' So the Messenger of Allâh ﷺ prayed for her, then he slept again.'" (One of the narrators) Al-Ḥârith, said (in his narration): "He slept then he woke up smiling. I said to him: 'What is making you smile, O Messenger of Allâh?' He said: 'Some people of my

٣١٧٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ ابْنِ مَالِكٍ قَالَ: كَانَ رَسُولُ اللهِ ﷺ إِذَا ذَهَبَ إِلَى قُبَاءٍ يَدْخُلُ عَلَى أُمِّ حَرَامٍ بِنْتِ مِلْحَانَ فَتُطْعِمُهُ، وَكَانَتْ أُمُّ حَرَامٍ بِنْتُ مِلْحَانَ تَحْتَ عُبَادَةَ بْنِ الصَّامِتِ، فَدَخَلَ عَلَيْهَا رَسُولُ اللهِ ﷺ يَوْمًا فَأَطْعَمَتْهُ وَجَلَسَتْ تَفْلِي رَأْسَهُ فَنَامَ رَسُولُ اللهِ ﷺ، ثُمَّ اسْتَيْقَظَ وَهُوَ يَضْحَكُ قَالَتْ: فَقُلْتُ: مَا يُضْحِكُكَ يَا رَسُولَ اللّٰهِ؟ قَالَ: «نَاسٌ مِنْ أُمَّتِي عُرِضُوا عَلَيَّ غُزَاةً فِي سَبِيلِ اللهِ يَرْكَبُونَ ثَبَجَ هٰذَا الْبَحْرِ مُلُوكٌ عَلَى الأَسِرَّةِ، - أَوْ مِثْلُ الْمُلُوكِ عَلَى الأَسِرَّةِ». شَكَّ إِسْحَاقُ، - فَقُلْتُ: يَا رَسُولَ اللهِ! ادْعُ اللهَ أَنْ يَجْعَلَنِي مِنْهُمْ فَدَعَا لَهَا رَسُولُ اللهِ ﷺ ثُمَّ نَامَ، وَقَالَ الحَارِثُ: فَنَامَ ثُمَّ اسْتَيْقَظَ

Ummah were shown to me, fighting in the cause of Allâh and riding across the sea like kings on thrones,' as he had said the first time. I said: 'O Messenger of Allâh, pray to Allâh to make me one of them.' He said: 'You will be one of the first.' And she traveled by sea at the time of Mu'âwiyah, then she fell from her mount when she came out of the sea and died." (*Sahîh*)

فَضَحِكَ فَقُلْتُ لَهُ: مَا يُضْحِكُكَ يَا رَسُولَ اللَّهِ؟ قَالَ: «نَاسٌ مِنْ أُمَّتِي عُرِضُوا عَلَيَّ غُزَاةً فِي سَبِيلِ اللهِ مُلُوكٌ عَلَى الأَسِرَّةِ - أَوْ مِثْلَ الْمُلُوكِ عَلَى الأَسِرَّةِ» - كَمَا قَالَ فِي الأَوَّلِ فَقُلْتُ: يَا رَسُولَ اللهِ! ادْعُ اللهَ أَنْ يَجْعَلَنِي مِنْهُمْ قَالَ: «أَنْتِ مِنَ الأَوَّلِينَ» فَرَكِبَتِ الْبَحْرَ فِي زَمَانِ مُعَاوِيَةَ فَصُرِعَتْ عَنْ دَابَّتِهَا حِينَ خَرَجَتْ مِنَ الْبَحْرِ فَهَلَكَتْ.

تخريج: أخرجه البخاري، الجهاد، باب الدعاء بالجهاد والشهادة للرجال والنساء، ح:٢٧٨٨، ٢٧٨٩، ومسلم، الإمارة، باب فضل الغزو في البحر، ح:١٩١٢ من حديث مالك به، وهو في الكبرى، ح:٤٣٧٩، والموطأ (يحيى):٢/ ٤٦٤، ٤٦٥.

Comments

1. Umm Harâm bint Milhân ﵂ was the Prophet's ﷺ unmarriageable kin (a *Mahram*), related to his mother's side of the family. The Prophet's ﷺ visiting her frequently, sleeping at her house, her searching his sacred head for lice, etc., all are understood by the relationship. Otherwise, Allâh's Messenger ﷺ did not visit other houses of the Helpers in such a way.
2. Allâh's Messenger ﷺ never had lice in his blessed head. He kept himself clean and tidy. He always remained fragrant and sweet-smelling. Her attempting to find lice in his head is linked to the customary common habit.

3174. It was narrated from Anas bin Mâlik that Umm Harâm bint Milhân said: "The Messenger of Allâh ﷺ came to us and took a nap in our house, then he woke up smiling. I said: 'O Messenger of Allâh, may my father and mother be ransomed for you, what has made you smile?' He said: 'I saw some people of my *Ummah* riding on the sea like kings on thrones.' I said: 'Pray to Allâh to make me one of them.' He said: 'You will be one of them.' Then he slept again, and woke up smiling. I asked him and he said the same thing. I said:

٣١٧٤ - أَخْبَرَنَا يَحْيَى بْنُ حَبِيبِ بْنِ عَرَبِيٍّ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ أَنَسِ بْنِ مَالِكٍ، عَنْ أُمِّ حَرَامٍ بِنْتِ مِلْحَانَ قَالَتْ: أَتَانَا رَسُولُ اللهِ ﷺ وَقَالَ عِنْدَنَا فَاسْتَيْقَظَ وَهُوَ يَضْحَكُ، فَقُلْتُ: يَا رَسُولَ اللهِ! بِأَبِي وَأُمِّي مَا أَضْحَكَكَ؟ قَالَ: «رَأَيْتُ قَوْمًا مِنْ أُمَّتِي يَرْكَبُونَ هٰذَا الْبَحْرَ كَالْمُلُوكِ عَلَى الأَسِرَّةِ» قُلْتُ: ادْعُ اللهَ أَنْ يَجْعَلَنِي مِنْهُمْ قَالَ: «فَإِنَّكِ مِنْهُمْ» ثُمَّ نَامَ ثُمَّ اسْتَيْقَظَ وَهُوَ يَضْحَكُ، فَسَأَلْتُهُ فَقَالَ - يَعْنِي مِثْلَ مَقَالَتِهِ -

'Pray to Allâh to make me one of them.' He said: 'You will be one of the first.' Then 'Ubâdah bin Aṣ-Ṣâmit married her, and he traveled by sea, and she traveled with him, but when she came ashore a mule was brought to her and she mounted it, and it threw her off and broke her neck." (*Ṣaḥîḥ*)

قُلْتُ: ادْعُ اللهَ أَنْ يَجْعَلَنِي مِنْهُمْ قَالَ: «أَنْتِ مِنَ الْأَوَّلِينَ» فَتَزَوَّجَهَا عُبَادَةُ بْنُ الصَّامِتِ، فَرَكِبَ الْبَحْرَ وَرَكِبَتْ مَعَهُ، فَلَمَّا خَرَجَتْ قُدِّمَتْ لَهَا بَغْلَةٌ فَرَكِبَتْهَا، فَصَرَعَتْهَا، فَانْدَقَّتْ عُنُقُهَا.

تخريج: أخرجه البخاري، الجهاد، باب ركوب البحر، ح:٢٨٩٤، ٢٨٩٥، ومسلم، ح:١٩١٢/١٦١، (انظر الحديث السابق) من حديث حماد بن زيد به، وهو في الكبرٰى، ح:٤٣٨١.

Chapter 41. Invading India

(المعجم ٤١) - **غَزْوَةُ الْهِنْدِ** (التحفة ٤١)

3175. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ promised us that we would invade India. If I live to see that, I will sacrifice myself and my wealth. If I am killed, I will be one of the best of the martyrs, and if I come back, I will be Abû Hurairah Al-Muḥarrar."[1] (*Ḍa'îf*)

٣١٧٥ - **أَخْبَرَنَا** أَحْمَدُ بْنُ عُثْمَانَ بْنِ حَكِيمٍ قَالَ: حَدَّثَنَا زَكَرِيَّا بْنُ عَدِيٍّ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ بْنُ عَمْرٍو عَنْ زَيْدِ بْنِ أَبِي أُنَيْسَةَ، عَنْ سَيَّارٍ؛ ح قَالَ: وَأَخْبَرَنَا هُشَيْمٌ عَنْ سَيَّارٍ عَنْ جَبْرِ بْنِ عَبِيدَةَ وَقَالَ عُبَيْدُ اللَّهِ: عَنْ جُبَيْرٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: وَعَدَنَا رَسُولُ اللهِ ﷺ غَزْوَةَ الْهِنْدِ فَإِنْ أَدْرَكْتُهَا أُنْفِقْ فِيهَا نَفْسِي وَمَالِي فَإِنْ أُقْتَلْ كُنْتُ مِنْ أَفْضَلِ الشُّهَدَاءِ وَإِنْ أَرْجِعْ فَأَنَا أَبُو هُرَيْرَةَ الْمُحَرَّرُ.

تخريج: **[إسناده ضعيف]** أخرجه أحمد: ٢/٢٢٨، ٢٢٩ عن هشيم به، وهو في الكبرٰى، ح: ٤٣٨٢ * جبر بن عبيدة لم يوثقه غير ابن حبان، وقال الذهبي: "بخبر منكر، لا يعرف من ذا؟".

Comments

The Muslims mounted an attack on India (lit. Hindustân), in the year 44H, during the Caliphate of Mu'awiyah ﷺ. Later, the expedition of Muhammad bin Qâsim, which took place during the Caliphate of Walid bin Abdul Malik is well-known.

3176. It was narrated that Abû Hurairah said: "The Messenger of

٣١٧٦ - حَدَّثَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا هُشَيْمٌ

[1] *Al-Muḥarrar*: The one freed (from the Fire).

قَالَ: حَدَّثَنَا سَيَّارٌ أَبُو الْحَكَمِ عَنْ جَبْرِ بْنِ عَبِيدَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: وَعَدَنَا رَسُولُ اللهِ ﷺ غَزْوَةَ الْهِنْدِ فَإِنْ أَدْرَكْتُهَا أُنْفِقْ فِيهَا نَفْسِي وَمَالِي وَإِنْ قُتِلْتُ كُنْتُ أَفْضَلَ الشُّهَدَاءِ فَإِنْ رَجَعْتُ فَأَنَا أَبُو هُرَيْرَةَ الْمُحَرَّرُ.

Allâh ﷺ promised that we would invade India. If I live to see that I will sacrifice myself and my wealth. If I am killed, I will be one of the best of the martyrs, and if I come back, I will be Abû Hurairah Al-Muharrar." (*Da'îf*)

تخريج: [**إسناده ضعيف**] انظر الحديث السابق، وهو في الكبرٰى، ح: ٤٣٨٣.

٣١٧٧ - **أَخْبَرَنِي** مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ عَبْدِ الرَّحِيمِ قَالَ: حَدَّثَنَا أَسَدُ بْنُ مُوسَى قَالَ: حَدَّثَنَا بَقِيَّةُ قَالَ: حَدَّثَنِي أَبُو بَكْرٍ الزُّبَيْدِيُّ عَنْ أَخِيهِ مُحَمَّدِ بْنِ الْوَلِيدِ، عَنْ لُقْمَانَ بْنِ عَامِرٍ، عَنْ عَبْدِ الْأَعْلَى بْنِ عَدِيٍّ الْبَهْرَانِيِّ، عَنْ ثَوْبَانَ مَوْلَى رَسُولِ اللهِ ﷺ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «عِصَابَتَانِ مِنْ أُمَّتِي حَرَّرَهُمَا اللهُ مِنَ النَّارِ عِصَابَةٌ تَغْزُو الْهِنْدَ وَعِصَابَةٌ تَكُونُ مَعَ عِيسَى ابْنِ مَرْيَمَ عَلَيْهِمَا السَّلَامُ».

3177. It was narrated that Thawbân, the freed slave of the Messenger of Allâh ﷺ, said: "The Messenger of Allâh ﷺ said: 'There are two groups of my *Ummah* whom Allâh will free from the Fire: The group that invades India, and the group that will be with 'Isa bin Maryam, peace be upon him.'" (*Hasan*)

تخريج: [**حسن**] أخرجه أحمد: ٥/ ٢٧٨ من حديث بقية به، وهو في الكبرٰى، ح: ٤٣٨٤ * أبوبكر الزبيدي مجهول الحال(تقريب)، تابعه عبدالله بن سالم: "ثقة" عند أحمد، وتابعهما الجراح ابن مليح عند البخاري في التاريخ الكبير: ٦/ ٧٢، وابن عدي في الكامل: ٢/ ٥٨٣ من طريقين قويين عنه.

(المعجم ٤٢) - غَزْوَةُ التُّرْكِ وَالْحَبَشَةِ (التحفة ٤٢)

Chapter 42. Fighting The Turks And The Ethiopians

٣١٧٨ - **أَخْبَرَنَا** عِيسَى بْنُ يُونُسَ قَالَ: حَدَّثَنَا ضَمْرَةُ عَنْ أَبِي زُرْعَةَ السَّيْبَانِيِّ، عَنْ أَبِي سُكَيْنَةَ رَجُلٍ مِنَ الْمُحَرَّرِينَ، عَنْ رَجُلٍ

3178. It was narrated from Abû Sukainah, a man from among the *Muharrarîn*,[1] that a man among the Companions of the Prophet ﷺ said: "When the Prophet ﷺ

[1] *Al-Muharrarîn*: Those who were freed from the Fire.

commanded them to dig the trench (*Al-Khandaq*), there was a rock in their way preventing them from digging. The Messenger of Allâh ﷺ stood, picked up a pickaxe, put his *Ridâ'* (upper garment) at the edge of the ditch and said: 'And the Word of your Lord has been fulfilled in truth and in justice. None can change His Words. And He is the All-Hearer, the All-Knower.'[1] One-third of the rock broke off while Salmân Al-Fârisî was standing there watching, and there was a flash of light when the Messenger of Allâh ﷺ struck (the rock). Then he struck it again and said: 'And the Word of your Lord has been fulfilled in truth and in justice. None can change His Words. And He is the All-Hearer, the All-Knower.' And another third of the rock broke off and there was another flash of light, which Salmân saw. Then he struck (the rock) a third time and said: 'And the Word of your Lord has been fulfilled in truth and in justice. None can change His Words. And He is the All-Hearer, the All-Knower.' The last third fell, and the Messenger of Allâh ﷺ came out, picked up his *Ridâ'* and sat down. Salmân said: 'O Messenger of Allâh, Each time you struck the rock there was a flash of light.' The Messenger of Allâh ﷺ said to him: 'O Salmân, did you see that?' He said: 'Yes, by the One Who sent you with the truth, O Messenger of

[1] *An-An'âm* 6:115.

مِنْ أَصْحَابِ النَّبِيِّ ﷺ قَالَ: لَمَّا أَمَرَ النَّبِيُّ ﷺ بِحَفْرِ الْخَنْدَقِ عَرَضَتْ لَهُمْ صَخْرَةٌ حَالَتْ بَيْنَهُمْ وَبَيْنَ الْحَفْرِ فَقَامَ رَسُولُ اللهِ ﷺ وَأَخَذَ الْمِعْوَلَ وَوَضَعَ رِدَاءَهُ نَاحِيَةَ الْخَنْدَقِ وَقَالَ: ﴿وَتَمَّتْ كَلِمَتُ رَبِّكَ صِدْقًا وَعَدْلًا لَّا مُبَدِّلَ لِكَلِمَـٰتِهِۦ وَهُوَ ٱلسَّمِيعُ ٱلْعَلِيمُ﴾ [الأنعام: ١١٥]. فَنَدَرَ ثُلُثُ الْحَجَرِ وَسَلْمَانُ الْفَارِسِيُّ قَائِمٌ يَنْظُرُ فَبَرَقَ مَعَ ضَرْبَةِ رَسُولِ اللهِ ﷺ بَرْقَةٌ، ثُمَّ ضَرَبَ الثَّانِيَةَ وَقَالَ: ﴿وَتَمَّتْ كَلِمَتُ رَبِّكَ صِدْقًا وَعَدْلًا لَّا مُبَدِّلَ لِكَلِمَـٰتِهِۦ وَهُوَ ٱلسَّمِيعُ ٱلْعَلِيمُ﴾. فَنَدَرَ الثُّلُثُ الآخَرُ فَبَرَقَتْ بَرْقَةٌ فَرَآهَا سَلْمَانُ، ثُمَّ ضَرَبَ الثَّالِثَةَ وَقَالَ: ﴿وَتَمَّتْ كَلِمَتُ رَبِّكَ صِدْقًا وَعَدْلًا لَّا مُبَدِّلَ لِكَلِمَـٰتِهِۦ وَهُوَ ٱلسَّمِيعُ ٱلْعَلِيمُ﴾. فَنَدَرَ الثُّلُثُ الْبَاقِي وَخَرَجَ رَسُولُ اللهِ ﷺ فَأَخَذَ رِدَاءَهُ وَجَلَسَ، قَالَ سَلْمَانُ: يَا رَسُولَ اللهِ! رَأَيْتُكَ حِينَ ضَرَبْتَ مَا تَضْرِبُ ضَرْبَةً إِلَّا كَانَتْ مَعَهَا بَرْقَةٌ، قَالَ [لَهُ] رَسُولُ اللهِ ﷺ: «يَا سَلْمَانُ! رَأَيْتَ ذٰلِكَ؟» فَقَالَ: إِي وَالَّذِي بَعَثَكَ بِالْحَقِّ يَا رَسُولَ اللهِ! قَالَ: «فَإِنِّي حِينَ ضَرَبْتُ الضَّرْبَةَ الْأُولَى رُفِعَتْ لِي مَدَائِنُ كِسْرَى وَمَا حَوْلَهَا وَمَدَائِنُ كَثِيرَةٌ حَتَّى رَأَيْتُهَا بِعَيْنَيَّ». قَالَ لَهُ مَنْ حَضَرَهُ مِنْ أَصْحَابِهِ: يَا رَسُولَ اللهِ! ادْعُ اللهَ أَنْ يَفْتَحَ عَلَيْنَا وَيُغَنِّمَنَا دِيَارَهُمْ، وَيُخَرِّبَ بِأَيْدِينَا بِلَادَهُمْ، فَدَعَا رَسُولُ اللهِ ﷺ

Allâh.' He said: 'When I struck the first blow, the cities of Kisra and their environs were shown to me, and many other cities, and I saw them with my own eyes.' Those of his Companions who were present said: 'O Messenger of Allâh, pray to Allâh to grant us victory and to give us their lands as spoils of war, and to destroy their lands at our hands.' So the Messenger of Allâh ﷺ prayed for that. (Then he said:) 'Then I struck the second blow and the cities of Caesar and their environs were shown to me, and I saw them with my own eyes.' They said: 'O Messenger of Allâh, pray to Allâh to grant us victory and to give us their lands as spoils of war, and to destroy their lands at our hands.' So the Messenger of Allâh ﷺ prayed for that. (Then he said:) 'Then I struck the third blow and the cities of Ethiopia were shown to me, and the villages around them, and I saw them with my own eyes.' But the Messenger of Allâh ﷺ said at that point: 'Leave the Ethiopians alone so long as they leave you alone, and leave the Turks alone so long as they leave you alone."' (*Hasan*)

بِذٰلِكَ، «ثُمَّ ضَرَبْتُ الضَّرْبَةَ الثَّانِيَةَ فَرُفِعَتْ لِي مَدَائِنُ قَيْصَرَ وَمَا حَوْلَهَا حَتَّى رَأَيْتُهَا بِعَيْنَيَّ». قَالُوا: يَا رَسُولَ اللهِ! ادْعُ اللهَ أَنْ يَفْتَحَ عَلَيْنَا وَيُغَنِّمَنَا دِيَارَهُمْ، وَيُخَرِّبَ بِأَيْدِينَا بِلَادَهُمْ، فَدَعَا رَسُولُ اللهِ ﷺ بِذٰلِكَ، «ثُمَّ ضَرَبْتُ الثَّالِثَةَ فَرُفِعَتْ لِي مَدَائِنُ الْحَبَشَةِ وَمَا حَوْلَهَا مِنَ الْقُرَى حَتَّى رَأَيْتُهَا بِعَيْنَيَّ». قَالَ رَسُولُ اللهِ ﷺ عِنْدَ ذٰلِكَ: «دَعُوا الْحَبَشَةَ مَا وَدَعُوكُمْ وَاتْرُكُوا التُّرْكَ مَا تَرَكُوكُمْ».

تخريج: [إسناده حسن] أخرجه أبو داود، الملاحم، باب: في النهي عن تهييج الترك والحبشة، ح:٤٣٠٢ من حديث ضمرة بن ربيعة به، وهو في الكبرى، ح:٤٣٨٥ * أبو زرعة هو يحيى بن أبي عمرو، وأبو سكينة مختلف في صحبته فحديثه لا ينزل عن درجة الحسن، وللحديث شاهد حسن، انظر نيل المقصود، ح:٤٣٠٩ يسر الله لنا طبعه.

Comments

1. 'A Companion or one Companion': it appears that Companion is Salmân only.
2. The import of reciting the above-mentioned Verse of the Qur'ân during all the three blows which the Prophet ﷺ struck is that the victory of Islam is the absolutely definite decision of Allâh, Most High, which would surely come to pass. No one would be able to alter it.

3179. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "The Hour will not begin until the Muslims fight the Turks, a people with faces like hammered shields who wear clothes made of hair and shoes made of hair." (*Sahîh*)

٣١٧٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا يَعْقُوبُ عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تَقُومُ السَّاعَةُ حَتَّى يُقَاتِلَ الْمُسْلِمُونَ التُّرْكَ قَوْمًا، وُجُوهُهُمْ كَالْمَجَانِّ الْمُطَرَّقَةِ، يَلْبَسُونَ الشَّعَرَ، وَيَمْشُونَ فِي الشَّعَرِ».

تخريج: أخرجه مسلم، الفتن، باب: لا تقوم الساعة حتى يمر الرجل بقبر الرجل . . . إلخ، ح:٢٩١٢ عن قتيبة به، وهو في الكبرٰى، ح:٤٣٨٦ .

Comments

1. 'Their faces' means they would be insolently stern and thick, as if hide is mounted over iron.
2. Since the Turks are the habitants of cold regions, they need to wear furred clothes and shoes.

Chapter 43. Seeking The Support Of Allâh By The Supplications Of The Weak

(المعجم ٤٣) - الاسْتِنْصَارُ بِالضَّعِيفِ (التحفة ٤٣)

3180. It was narrated from Mus'ab bin Sa'd, from his father, that he thought he was better than other Companions of the Prophet ﷺ. The Prophet of Allâh ﷺ said: "Rather, Allâh supports this *Ummah* because of its weak ones, because of their supplication, their *Salâh*, and their sincerity." (*Sahîh*)

٣١٨٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِدْرِيسَ قَالَ: حَدَّثَنَا عُمَرُ بْنُ حَفْصِ بْنِ غِيَاثٍ عَنْ أَبِيهِ، عَنْ مِسْعَرٍ، عَنْ طَلْحَةَ بْنِ مُصَرِّفٍ، عَنْ مُصْعَبِ بْنِ سَعْدٍ، عَنْ أَبِيهِ: أَنَّهُ ظَنَّ أَنَّ لَهُ فَضْلًا عَلَى مَنْ دُونَهُ مِنْ أَصْحَابِ النَّبِيِّ ﷺ فَقَالَ نَبِيُّ اللهِ ﷺ: «إِنَّمَا يَنْصُرُ اللهُ هٰذِهِ الْأُمَّةَ بِضَعِيفِهَا بِدَعْوَتِهِمْ وَصَلَاتِهِمْ وَإِخْلَاصِهِمْ».

تخريج: أخرجه البخاري، الجهاد، باب من استعان بالضعفاء والصالحين في الحرب، ح:٢٨٩٦ من حديث طلحة به، وهو في الكبرٰى، ح:٤٣٨٧ .

Comments

'Superiority or precedence (over others)' because he belonged to the group of early Muslims. He used to call himself one-third Islam (the third part of Islam) that means numerically he had been the third to become a Muslim.

3181. It was narrated from Jubair bin Nufair Al-Hadramî that he heard Abû Ad-Dardâ' say: "I heard the Messenger of Allâh ﷺ say:

٣١٨١ - أَخْبَرَنَا يَحْيَى بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا عُمَرُ بْنُ عَبْدِ الْوَاحِدِ قَالَ: حَدَّثَنَا ابْنُ جَابِرٍ قَالَ: حَدَّثَنِي زَيْدُ بنُ أَرْطَاةَ الْفَزَارِيُّ

'Bring me the weak, for you only receive provision and Divine support by virtue of your weak ones.'" (*Ṣaḥîḥ*)

عَنْ جُبَيْرِ بْنِ نُفَيْرٍ الْحَضْرَمِيِّ، أَنَّهُ سَمِعَ أَبَا الدَّرْدَاءِ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «ابْغُونِي الضَّعِيفَ فَإِنَّكُمْ إِنَّمَا تُرْزَقُونَ وَتُنْصَرُونَ بِضُعَفَائِكُمْ».

تخريج: [إسناده صحيح] أخرجه أبو داود، الجهاد، باب: في الانتصار برذل الخيل والضعفة، ح:٢٥٩٤ من حديث عبدالرحمٰن بن يزيد بن جابر به، وهو في الكبرٰى، ح:٤٣٨٨، وقال الترمذي، ح:١٧٠٢ "حسن صحيح"، وصححه ابن حبان، ح:١٦٢٠، والحاكم:٢/١٤٥ .

Comments

Allâh, Most High, wishes to provide subsistence to those weak and feeble folks and desires to do well to them. But since they are dependent on you in some ways, Allâh, Most High, gives you also subsistence in order to provide subsistence to them. And He succours you in order to do good to them.

Chapter 44. The Virtue Of The One Who Equips A Warrior

(المعجم ٤٤) - فَضْلُ مَنْ جَهَّزَ غَازِيًا (التحفة ٤٤)

3182. It was narrated from Zaid bin Khâlid that the Messenger of Allâh ﷺ said: "Whoever equips a warrior in the cause of Allâh has fought, and whoever looks after his family in his absence has fought." (*Ṣaḥîḥ*)

٣١٨٢ - أَخْبَرَنَا سُلَيْمَانُ بْنُ دَاوُدَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ، عَنِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ بُكَيْرِ ابْنِ الْأَشَجِّ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ زَيْدِ بْنِ خَالِدٍ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «مَنْ جَهَّزَ غَازِيًا فِي سَبِيلِ اللهِ فَقَدْ غَزَا، وَمَنْ خَلَفَهُ فِي أَهْلِهِ بِخَيْرٍ فَقَدْ غَزَا».

تخريج: أخرجه مسلم، الإمارة، باب فضل إعانة الغازي في سبيل الله بمركوب وغيره . . . إلخ، ح:١٨٩٥ من حديث ابن وهب، والبخاري، الجهاد، باب فضل من جهز غازيًا أو خلفه بخير، ح:٢٨٤٣ من حديث بسر به، وهو في الكبرٰى، ح:٤٣٨٩ .

Comments

While some people join the armed forces, and curb the enemy, the rest of the population contributes from wages and salaries for weapons and other necessities. In this way, the whole community fulfills the obligatory duty of *Jihâd*. And all are rightfully entitled for the reward or recompense.

3183. It was narrated that Zaid bin Khâlid Al-Juhanî said: "The Messenger of Allâh ﷺ said: 'Whoever equips a warrior has fought, and whoever looks after his family in his absence has fought.'" (*Sahîh*)

٣١٨٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى عَنْ عَبْدِ الرَّحْمٰنِ بْنِ مَهْدِيٍّ قَالَ: حَدَّثَنَا حَرْبُ بْنُ شَدَّادٍ عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ جَهَّزَ غَازِيًا فَقَدْ غَزَا، وَمَنْ خَلَفَ غَازِيًا فِي أَهْلِهِ بِخَيْرٍ فَقَدْ غَزَا».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٤٣٩٠، وأخرجه البخاري، ح:٢٨٤٣ من حديث يحيى بن أبي كثير به.

3184. It was narrated that Al-Aḥnaf bin Qais said: "We set out as pilgrims and came to Al-Madînah intending to perform *Ḥajj*. While we were in our camping place unloading our mounts, someone came to us and said: 'The people have gathered in the *Masjid* and there is panic.' So we set out and found the people gathered around a group in he middle of the *Masjid*, among whom were 'Alî, Zubayr, Ṭalḥah and Sa'd bin Abî Waqqâṣ. While we were like that, 'Uthmân, may Allâh be pleased with him, came, wearing a yellow cloak with which he had covered his head. He said: 'Is Ṭalḥah here? Is Az-Zubair here? Is Sa'd here?' They said: 'Yes.' He said: 'I adjure you by the One beside Whom there is none worthy of worship, didn't the Messenger of Allâh ﷺ say: Whoever buys the *Mirbad*[1] of Banu so-and-so, Allâh will forgive him, and I bought it for

٣١٨٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ إِدْرِيسَ قَالَ: سَمِعْتُ حُصَيْنَ بْنَ عَبْدِ الرَّحْمٰنِ يُحَدِّثُ عَنْ عَمْرِو بْنِ جَاوَانَ، عَنِ الْأَحْنَفِ بْنِ قَيْسٍ قَالَ: خَرَجْنَا حُجَّاجًا فَقَدِمْنَا الْمَدِينَةَ وَنَحْنُ نُرِيدُ الْحَجَّ، فَبَيْنَا نَحْنُ فِي مَنَازِلِنَا نَضَعُ رِحَالَنَا إِذْ أَتَانَا آتٍ فَقَالَ: إِنَّ النَّاسَ قَدِ اجْتَمَعُوا فِي الْمَسْجِدِ وَفَزِعُوا، فَانْطَلَقْنَا فَإِذَا النَّاسُ مُجْتَمِعُونَ عَلَى نَفَرٍ فِي وَسَطِ الْمَسْجِدِ وَفِيهِمْ عَلِيٌّ وَزُبَيْرٌ وَطَلْحَةُ وَسَعْدُ بْنُ أَبِي وَقَّاصٍ، فَإِنَّا كَذَلِكَ إِذْ جَاءَ عُثْمَانُ رَضِيَ اللهُ عَنْهُ عَلَيْهِ مُلَاءَةٌ صَفْرَاءُ قَدْ قَنَّعَ بِهَا رَأْسَهُ، فَقَالَ: أَهٰهُنَا طَلْحَةُ؟ أَهٰهُنَا الزُّبَيْرُ؟ أَهٰهُنَا سَعْدٌ؟ قَالُوا: نَعَمْ فَقَالَ: إِنِّي أَنْشُدُكُمْ بِاللّٰهِ الَّذِي لَا إِلٰهَ إِلَّا هُوَ! أَتَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ يَبْتَاعُ مِرْبَدَ بَنِي فُلَانٍ غَفَرَ اللهُ لَهُ». فَابْتَعْتُهُ بِعِشْرِينَ أَلْفًا أَوْ بِخَمْسَةٍ

[1] *Mirbad*: A place for drying dates.

twenty or twenty-five thousand, then I came to the Messenger of Allâh ﷺ and told him, and he said: Add it to our *Masjid* and the reward for it will be yours?' They said: 'By Allâh, yes.' He said: 'I adjure you by the One beside Whom there is none worthy of worship, didn't the Messenger of Allâh ﷺ say: Whoever buys the well of Rûmah, Allâh will forgive him, so I bought it for such and such an amount, then I came to the Messenger of Allâh ﷺ and told him, and he said: Give it to provide water for the Muslims, and the reward for it will be yours?' They said: 'By Allâh, yes.' He said: 'I adjure you by the One beside Whom there is none worthy of worship, didn't the Messenger of Allâh ﷺ say: Whoever equips these (men) – meaning the army of Al-'Usrah (Tabûk) – Allâh will forgive him, so I equipped them until they were not lacking even a rope or a bridle?' They said: 'By Allâh, yes.' He said: 'O Allâh, bear witness, O Allâh, bear witness, O Allâh, bear witness."' (***Hasan***)

وَعِشْرِينَ أَلْفًا فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَأَخْبَرْتُهُ فَقَالَ: «اجْعَلْهُ فِي مَسْجِدِنَا وَأَجْرُهُ لَكَ». قَالُوا: اللَّهُمَّ نَعَمْ، قَالَ: أَنْشُدُكُمْ بِاللَّهِ الَّذِي لَا إِلٰهَ إِلَّا هُوَ! أَتَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ ابْتَاعَ بِئْرَ رُومَةَ غَفَرَ اللهُ لَهُ». فَابْتَعْتُهَا بِكَذَا وَكَذَا فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَقُلْتُ: قَدِ ابْتَعْتُهَا بِكَذَا وَكَذَا قَالَ: «اجْعَلْهَا سِقَايَةً لِلْمُسْلِمِينَ وَأَجْرُهَا لَكَ». قَالُوا: اللَّهُمَّ نَعَمْ، قَالَ: أَنْشُدُكُمْ بِاللَّهِ الَّذِي لَا إِلٰهَ إِلَّا هُوَ! أَتَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ نَظَرَ فِي وُجُوهِ الْقَوْمِ فَقَالَ: «مَنْ يُجَهِّزْ هٰؤُلَاءِ غَفَرَ اللَّهُ لَهُ». - يَعْنِي جَيْشَ الْعُسْرَةِ - فَجَهَّزْتُهُمْ حَتَّى لَمْ يَفْقِدُوا عِقَالًا وَلَا خِطَامًا فَقَالُوا: اللَّهُمَّ نَعَمْ، قَالَ: اللَّهُمَّ اشْهَدْ! اللَّهُمَّ اشْهَدْ! اللَّهُمَّ اشْهَدْ!

تخريج: [إسناده حسن] أخرجه ابن أبي شيبة: ١٢/ ٣٩، ٤٠ عن ابن إدريس به، وهو في الكبرٰى، ح: ٤٣٩١، وصححه ابن خزيمة: ٤/ ١١٩، ١٢٠، ح: ٢٤٨٧، وابن حبان، ح: ٢٢٠٠، وللحديث شواهد كثيرة * عمرو بن جاوان وثقه ابن خزيمة، وابن حبان فحديثه لا ينزل عن درجة الحسن.

Comments

This incident occurred to the period of the Caliphate of 'Uthmân ﷺ, and in the final year of his life, when the rebels and corrupted people had ganged up in order to dismember the Caliphate, and had thronged around the city of Al-Madinah. Based on false allegations, they had demanded 'Uthmân's ﷺ abdication and his resignation. They had threatened him with assassination if he did not comply. However, a few days after *Hajj* and, before the return of the pilgrims.

Chapter 45. The Virtue Of Spending In The Cause Of Allâh

(المعجم ٤٥) - فَضْلُ النَّفَقَةِ فِي سَبِيلِ اللهِ تَعَالَى (التحفة ٤٥)

3185. It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever spends on a pair (of things) in the cause of Allâh will be called in Paradise: 'O slave of Allâh, here is prosperity.' Whoever *is one of the* people of *Salâh*, he will be called from the gate of Paradise. Whoever is one of the people of *Jihâd*, he will be called from the gate of Paradise. Whoever *is one of* the people of charity, he will be called from the gate of Paradise. Whoever is one of the people who fast, he will be called from the gate of Ar-Rayyân." Abû Bakr, may Allâh be pleased with him, said: "O Messenger of Allâh, no distress or need will befall the one who is called from those gates. Will there be anyone who will be called from all these gates?" The Messenger of Allâh ﷺ said: "Yes, and I hope that you will be one of them." (*Sahîh*)

٣١٨٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ ابْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ، عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَنْفَقَ زَوْجَيْنِ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ نُودِيَ فِي الْجَنَّةِ: يَا عَبْدَ اللهِ! هٰذَا خَيْرٌ، فَمَنْ كَانَ مِنْ أَهْلِ الصَّلَاةِ دُعِيَ مِنْ بَابِ الصَّلَاةِ، وَمَنْ كَانَ مِنْ أَهْلِ الْجِهَادِ دُعِيَ مِنْ بَابِ الْجِهَادِ، وَمَنْ كَانَ مِنْ أَهْلِ الصَّدَقَةِ دُعِيَ مِنْ بَابِ الصَّدَقَةِ، وَمَنْ كَانَ مِنْ أَهْلِ الصِّيَامِ دُعِيَ مِنْ بَابِ الرَّيَّانِ» فَقَالَ أَبُو بَكْرٍ رَضِيَ اللهُ عَنْهُ: هَلْ عَلَى مَنْ دُعِيَ مِنْ هٰذِهِ الْأَبْوَابِ مِنْ ضَرُورَةٍ فَهَلْ يُدْعَى أَحَدٌ مِنْ هٰذِهِ الْأَبْوَابِ كُلِّهَا؟ قَالَ: «نَعَمْ وَأَرْجُو أَنْ تَكُونَ مِنْهُمْ».

تخريج: [صحيح] تقدم، ح: ٢٢٤٠، وهو في الكبرٰى، ح: ٤٣٩٢.

Comments

This narration has preceded, see No. 2240.

3186. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever spends on a pair (of things) in the cause of Allâh, the gatekeepers of Paradise will call him from the gates of Paradise (saying): O So-and-so, come and enter!' Abû Bakr said:

٣١٨٦ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنِ الْأَوْزَاعِيِّ قَالَ: حَدَّثَنِي يَحْيَى عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَنْفَقَ زَوْجَيْنِ فِي سَبِيلِ اللهِ دَعَتْهُ خَزَنَةُ

'O Messenger of Allâh, such a person will never perish or be miserable.' The Messenger of Allâh ﷺ said: 'I hope that you will be one of them.'" (*Ṣaḥîḥ*)

الْجَنَّةِ مِنْ أَبْوَابِ الْجَنَّةِ: يَا فُلَانُ! هَلُمَّ فَادْخُلْ» فَقَالَ أَبُو بَكْرٍ: يَا رَسُولَ اللهِ! ذَاكَ الَّذِي لَا تَوَى عَلَيْهِ فَقَالَ رَسُولُ اللهِ ﷺ: «إِنِّي لَأَرْجُو أَنْ تَكُونَ مِنْهُمْ».

تخريج: أخرجه البخاري، الجهاد والسير، باب فضل النفقة في سبيل الله، ح:٢٨٤١، ومسلم، الزكوة، باب من جمع الصدقة وأعمال البر، ح:١٠٢٧/٨٦ من حديث أبي سلمة به، وهو في الكبرٰى، ح:٤٣٩٣ * يحيى هو ابن أبي كثير كما استظهر المزي في تحفة الأشراف.

3187. It was narrated that Ṣa'ṣa'ah bin Mu'âwiyah said: "I met Abû Dharr and said: 'Tell me a *Ḥadîth*.' He said. Yes, the Messenger of Allâh ﷺ said: There is no Muslim worshipper who spends from each type of his wealth on a pair (of things) in the cause of Allâh, but the keepers of Paradise will welcome him, all of them calling him to what they have (of reward).' I said: "How is that?" He said: "If it is camels, he gives two, and if it is cows, he gives two.'" (*Ṣaḥîḥ*)

٣١٨٧ - **أَخْبَرَنَا** إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ عَنْ يُونُسَ، عَنِ الْحَسَنِ، عَنْ صَعْصَعَةَ بْنِ مُعَاوِيَةَ قَالَ: لَقِيتُ أَبَا ذَرٍّ قَالَ: قُلْتُ: حَدِّثْنِي، قَالَ: نَعَمْ، قَالَ رَسُولُ اللهِ ﷺ: «مَا مِنْ عَبْدٍ مُسْلِمٍ يُنْفِقُ مِنْ كُلِّ مَالٍ لَهُ زَوْجَيْنِ فِي سَبِيلِ اللهِ إِلَّا اسْتَقْبَلَتْهُ حَجَبَةُ الْجَنَّةِ كُلُّهُمْ يَدْعُوهُ إِلَى مَا عِنْدَهُ» قُلْتُ: وَكَيْفَ ذٰلِكَ؟ قَالَ: «إِنْ كَانَتْ إِبِلًا فَبَعِيرَيْنِ وَإِنْ كَانَتْ بَقَرًا فَبَقَرَتَيْنِ».

تخريج: [**صحيح**] تقدم طرفه، ح:١٨٧٥، وهو في الكبرٰى، ح:٤٣٩٤، وصححه ابن حبان، ح:١٦٤٩، ١٦٥٢.

3188. It was narrated that Khuraim bin Fâtik said: "The Messenger of Allâh ﷺ said: 'Whoever spends in the cause of Allâh, it will be recorded for him seven hundred fold.'" (*Ṣaḥîḥ*)

٣١٨٨ - **أَخْبَرَنَا** أَبُو بَكْرِ بْنُ أَبِي النَّضْرِ قَالَ: حَدَّثَنَا أَبُو النَّضْرِ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ الْأَشْجَعِيُّ عَنْ سُفْيَانَ الثَّوْرِيِّ، عَنِ الرُّكَيْنِ الْفَزَارِيِّ، عَنْ أَبِيهِ، عَنْ يُسَيْرِ بْنِ عَمِيلَةَ، عَنْ خُرَيْمِ بْنِ فَاتِكٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَنْفَقَ نَفَقَةً فِي سَبِيلِ اللهِ كُتِبَتْ لَهُ بِسَبْعِمِائَةِ ضِعْفٍ».

تخريج: [**صحيح**] أخرجه ابن أبي عاصم في الجهاد:٧٢ عن أبي بكر بن أبي النضر به، وهو في الكبرٰى، ح:٤٣٩٥، وقال الترمذي، ح:١٦٢٥ "حسن".

Comments

A tenfold recompense for any righteous deed is certain. In excess of it is in accordance with the sincerity of each individual concerned. There are some unadulterated sincere bondsmen who gain seven-hundredfold recompense.

Chapter 46. The Virtue Of Charity In The Cause Of Allâh

(المعجم ٤٦) - فَضْلُ الصَّدَقَةِ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ (التحفة ٤٦)

3189. It was narrated from Abû Mas'ûd that a man gave a bridled camel in charity in the cause of Allâh. The Messenger of Allâh ﷺ said: "On the Day of Resurrection seven hundred bridled camels will come to you." (*Sahîh*)

٣١٨٩ - أَخْبَرَنَا بِشْرُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ سُلَيْمَانَ قَالَ: سَمِعْتُ أَبَا عَمْرٍو الشَّيْبَانِيَّ عَنْ أَبِي مَسْعُودٍ: أَنَّ رَجُلًا تَصَدَّقَ بِنَاقَةٍ مَخْطُومَةٍ فِي سَبِيلِ اللهِ فَقَالَ رَسُولُ اللهِ ﷺ: «لَيَأْتِيَنَّ يَوْمَ الْقِيَامَةِ بِسَبْعِمِائَةِ نَاقَةٍ مَخْطُومَةٍ».

تخريج: أخرجه مسلم، الإمارة، باب فضل الصدقة في سبيل الله تعالى وتضعيفها، ح:١٨٩٢ عن بشر بن خالد به، وهو في الكبرٰى، ح:٤٣٩٦.

3190. It was narrated from Mu'âdh bin Jabal that the Messenger of Allâh ﷺ said: "Campaigns are of two types. As for the one who seek the Face of Allâh, obeys the *imâm*, spends what is precious to him, is easy-going with his companion and avoids mischief, when he is asleep and when he is awake, it will all bring reward. But as for the one who fights to show off, and he disobeys the *imâm* and does mischief in the land, he will not come back the same as when he left."[1] (*Sahîh*)

٣١٩٠ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ بَحِيرٍ، عَنْ خَالِدٍ، عَنْ أَبِي بَحْرِيَّةَ، عَنْ مُعَاذِ بْنِ جَبَلٍ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قَالَ: «الْغَزْوُ غَزْوَانِ، فَأَمَّا مَنِ ابْتَغَى وَجْهَ اللهِ وَأَطَاعَ الْإِمَامَ وَأَنْفَقَ الْكَرِيمَةَ وَيَاسَرَ الشَّرِيكَ وَاجْتَنَبَ الْفَسَادَ كَانَ نَوْمُهُ وَنُبْهُهُ أَجْرًا كُلُّهُ، وَأَمَّا مَنْ غَزَا رِيَاءً وَسُمْعَةً وَعَصَى الْإِمَامَ وَأَفْسَدَ فِي الْأَرْضِ فَإِنَّهُ لَا يَرْجِعُ بِالْكَفَافِ».

تخريج: [صحيح] أخرجه أبو داود، الجهاد، باب: فيمن يغزو ويلتمس الدنيا، ح:٢٥١٥ من حديث بقية به، وهو في الكبرٰى، ح:٤٣٩٧، وصححه الحاكم علٰى شرط مسلم:٢/٨٥، ووافقه الذهبي * بحير هو ابن سعد، وخالد هو ابن معدان، بقية هو ابن الوليد روايته عن بحير صحيحة لأنها من كتابه، وللحديث شاهد ضعيف عند أبي القاسم إسماعيل بن قاسم الحلبي.

[1] It will not simply be the case that he comes back with no good deeds to his credit, rather he will have a number of evil deeds on his record.

Comments

Fighting for ostentation and fame would become the cause of punishment instead of recompense. Hence, he would be in the loss compared to his former condition, because the wrong he would have done would exceed the good.

Chapter 47. The Sanctity Of The Wives Of The *Mujâhidîn*

(المعجم ٤٧) - حُرْمَةُ نِسَاءِ الْمُجَاهِدِينَ

(التحفة ٤٧)

3191. It was narrated from Sulaimân bin Buraidah that his father said: "The Messenger of Allâh ﷺ said: 'The sanctity of the wives of the *Mujâhidîn* to those who stay behind is like the sanctity of their mothers. There is no man who takes on the responsibility of looking after the wife of one of the *Mujâhidîn* and betrays him with her but he (the betrayer) will be made to stand before him on the Day of Resurrection and he will take whatever he wants of his (good) deeds. So what do you think?'" (*Ṣaḥîḥ*)

٣١٩١ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ وَمَحْمُودُ بْنُ غَيْلَانَ - وَاللَّفْظُ لِحُسَيْنٍ - قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «حُرْمَةُ نِسَاءِ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ كَحُرْمَةِ أُمَّهَاتِهِمْ، وَمَا مِنْ رَجُلٍ يَخْلُفُ فِي امْرَأَةِ رَجُلٍ مِنَ الْمُجَاهِدِينَ فَيَخُونُهُ فِيهَا إِلَّا وُقِفَ لَهُ يَوْمَ الْقِيَامَةِ فَأَخَذَ مِنْ عَمَلِهِ مَا شَاءَ، فَمَا ظَنُّكُمْ».

تخريج: أخرجه مسلم، الإمارة، باب حرمة نساء المجاهدين، وإثم من خانهم فيهن، ح:١٨٩٧ من حديث وكيع به، وهو في الكبرى، ح:٤٣٩٨.

Chapter 48. The One Who Betrays A Warrior With His Wife

(المعجم ٤٨) - مَنْ خَانَ غَازِيًا فِي أَهْلِهِ

(التحفة ٤٨)

3192. It was narrated from Sulaimân bin Buraidah, from his father, that the Messenger of Allâh ﷺ said: "The sanctity of the wives of the *Mujâhidîn* to those who stay behind is like the sanctity of their mothers. If he takes on the responsibility of looking after his wife then betrays him, it will be said to him on the Day of Resurrection: 'This one betrayed you with your wife, so take

٣١٩٢ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا حَرَمِيُّ بْنُ عُمَارَةَ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «حُرْمَةُ نِسَاءِ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ كَحُرْمَةِ أُمَّهَاتِهِمْ، وَإِذَا خَلَفَهُ فِي أَهْلِهِ فَخَانَهُ قِيلَ لَهُ يَوْمَ الْقِيَامَةِ: هٰذَا خَانَكَ فِي أَهْلِكَ فَخُذْ مِنْ حَسَنَاتِهِ مَا شِئْتَ، فَمَا ظَنُّكُمْ!؟».

whatever you want of his good deeds.' So what do you think?" (*Ṣaḥîḥ*)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٤٣٩٩.

3193. It was narrated from Ibn Buraidah, from his father, that the Messenger of Allâh ﷺ said: "The sanctity of the wives of the *Mujâhidîn* to those who stay behind is like the sanctity of their mothers. There is no man among those who stay behind who takes on the responsibility of looking after the wife of one of the *Mujâhidîn* (and betrays him) but he (the betrayer) will be made to stand before him on the Day of Resurrection and it will be said: 'O So-and-so, this is so-and-so, take whatever you want from his good deeds.'" Then the Prophet ﷺ turned to his Companions and said: "What do you think: Will he leave him any of his good deeds?" (*Ṣaḥîḥ*)

٣١٩٣ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنَا قَعْنَبٌ كُوفِيٌّ عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنِ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ ﷺ قَالَ: «حُرْمَةُ نِسَاءِ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ فِي الْحُرْمَةِ كَأُمَّهَاتِهِمْ، وَمَا مِنْ رَجُلٍ مِنَ الْقَاعِدِينَ يَخْلُفُ رَجُلًا مِنَ الْمُجَاهِدِينَ فِي أَهْلِهِ إِلَّا نُصِبَ لَهُ يَوْمَ الْقِيَامَةِ فَيُقَالُ: يَا فُلَانُ! هٰذَا فُلَانٌ خُذْ مِنْ حَسَنَاتِهِ مَا شِئْتَ». ثُمَّ الْتَفَتَ النَّبِيُّ ﷺ إِلَى أَصْحَابِهِ فَقَالَ: «مَا ظَنُّكُمْ تُرَوْنَ يَدَعُ لَهُ مِنْ حَسَنَاتِهِ شَيْئًا!؟».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح:٤٤٠٠ .

3194. It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'Strive in *Jihâd* with your hands, your tongues and your wealth.'"[1] (*Ḍa'îf*)

٣١٩٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «جَاهِدُوا بِأَيْدِيكُمْ وَأَلْسِنَتِكُمْ وَأَمْوَالِكُمْ».

تخريج: [إسناده ضعيف] تقدم، ح:٣٠٩٨.

Comments

This and the upcoming narrations are apparently not related to the previous chapter. They rather fall under the category of miscellaneous or diversified (*Al-Mutafarriqât*), which have some or the other relationship with the concept

[1] See No. 3098.

of *Jihâd*. *Jihâd* with hands is fighting; *Jihâd* with the tongue is conveying the message; *Jihâd* with wealth is to financially assist the fighters.

3195. It was narrated from 'Abdullâh (may Allâh be pleased with him) that the Messenger of Allâh ﷺ commanded that snakes be killed and he said: "Whoever fears their vengeance is not one of us." (*Da'îf*)

٣١٩٥ - أَخْبَرَنَا أَبُو مُحَمَّدٍ مُوسَى بْنُ مُحَمَّدٍ - هُوَ الشَّامِيُّ - قَالَ: حَدَّثَنَا مَيْمُونُ ابْنُ الْأَصْبَغِ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ قَالَ: حَدَّثَنَا شَرِيكٌ عَنْ أَبِي إِسْحَاقَ، عَنِ الْقَاسِمِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللهِ [رَضِيَ اللهُ عَنْهُ] عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ أَمَرَ بِقَتْلِ الْحَيَّاتِ وَقَالَ: «مَنْ خَافَ ثَأْرَهُنَّ فَلَيْسَ مِنَّا».

تخريج: [إسناده ضعيف] أخرجه أبو داود، الأدب، باب: في قتل الحيات، ح:٥٢٤٩ من حديث شريك القاضي به، وعنعن كشيخه حديث أبي داود، ح:٥٢٤٨، ٥٢٥٢ يغني عنه.

3196. It was narrated from 'Abdullâh bin 'Abdullâh bin Jabr, from his father, that the Messenger of Allâh ﷺ visited Jabr (when he was sick). When he entered he heard the women crying and saying: "We thought that your death would come when fighting in the cause of Allâh." He said: "You think that martyrdom only comes when one is killed in the cause of Allâh. In that case your martyrs would be few. Being killed in the cause of Allâh is martyrdom, dying of an abdominal complaint is martyrdom, being burned to death is martyrdom, drowning is martyrdom, being crushed beneath a falling wall is martyrdom, dying of pleurisy is martyrdom, and the woman who dies along with her fetus is a martyr." A man said: "Are you weeping when the Messenger of Allâh ﷺ is sitting

٣١٩٦ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا جَعْفَرُ بْنُ عَوْنٍ عَنْ أَبِي عُمَيْسٍ، عَنْ عَبْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ جَبْرٍ، عَنْ أَبِيهِ، أَنَّ رَسُولَ اللهِ ﷺ عَادَ جَبْرًا فَلَمَّا دَخَلَ سَمِعَ النِّسَاءَ يَبْكِينَ وَيَقُلْنَ: كُنَّا نَحْسُبُ وَفَاتَكَ قَتْلًا فِي سَبِيلِ اللهِ، فَقَالَ: «وَمَا تَعُدُّونَ الشَّهَادَةَ إِلَّا مَنْ قُتِلَ فِي سَبِيلِ اللهِ، إِنَّ شُهَدَاءَكُمْ إِذًا لَقَلِيلٌ، الْقَتْلُ فِي سَبِيلِ اللهِ شَهَادَةٌ، وَالْبَطْنُ شَهَادَةٌ، وَالْحَرَقُ شَهَادَةٌ، وَالْغَرَقُ شَهَادَةٌ، وَالْمَغْمُومُ - يَعْنِي الْهَدِمَ - شَهَادَةٌ، وَالْمَجْنُوبُ شَهَادَةٌ، وَالْمَرْأَةُ تَمُوتُ بِجُمْعٍ شَهِيدَةٌ» قَالَ رَجُلٌ: أَتَبْكِينَ وَرَسُولُ اللهِ ﷺ قَاعِدٌ؟ قَالَ: «دَعْهُنَّ فَإِذَا وَجَبَ فَلَا تَبْكِيَنَّ عَلَيْهِ بَاكِيَةٌ».

here?" He said: "Let them be, but if he dies no one should weep for him." (*Ṣaḥîḥ*)

تخريج: [إسناده صحيح] تقدم، ح:١٨٤٧ .

Commetns:

The Prophet's ﷺ saying, 'let them weep' is the evidence that wailing loudly over the dead is forbidden; there is no harm in crying, because crying or weeping is out of sympathy or compassion. It does not constitute wailing. And wailing is forbidden, not absolute weeping.

3197. It was narrated from Jabr that he entered with the Messenger of Allâh ﷺ upon someone who was dying, and the women were weeping. Jabr said: "Are you weeping when the Messenger of Allâh ﷺ is sitting here?" He said: "Let them weep so long as he is among them, but if he dies no one should weep for him." (*Ṣaḥîḥ*)

٣١٩٧ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا دَاوُدُ - يَعْنِي الطَّائِيَّ - عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ جَبْرٍ، أَنَّهُ دَخَلَ مَعَ رَسُولِ اللهِ ﷺ عَلَى مَيِّتٍ فَبَكَى النِّسَاءُ فَقَالَ جَبْرٌ: أَتَبْكِينَ مَا دَامَ رَسُولُ اللهِ ﷺ جَالِسًا؟ قَالَ: «دَعْهُنَّ يَبْكِينَ مَا دَامَ بَيْنَهُنَّ، فَإِذَا وَجَبَ فَلَا تَبْكِيَنَّ بَاكِيَةٌ».

تخريج: [إسناده صحيح] تقدم، ح:١٨٤٧ .

26. The Book Of Marriage

(المعجم ٢٦) - كِتَابُ النِّكَاحِ
(التحفة ٨)

Chapter 1. Mentioning The Command Of The Messenger Of Allâh ﷺ Concerning Marriage, His Wives And What Allâh, The Mighty And Sublime, Permitted To His Prophet When It Is Forbidden To Other People, Because Of His Virtue And High Status

(المعجم ١) - ذِكْرُ أَمْرِ رَسُولِ اللهِ ﷺ فِي النِّكَاحِ وَأَزْوَاجِهِ وَمَا أَبَاحَ اللهُ عَزَّ وَجَلَّ لِنَبِيِّهِ ﷺ وَحَظَرِهِ عَلَى خَلْقِهِ زِيَادَةً فِي كَرَامَتِهِ وَتَنْبِيهًا لِفَضِيلَتِهِ (التحفة ١)

3198. It was narrated that 'Aṭâ' said: "We attended the funeral of Maimûnah, the wife of the Prophet ﷺ, with Ibn 'Abbâs in Sarif. Ibn 'Abbâs said: 'This is Maimûnah; when you lift up her bier, do not rock it nor shake it. The Messenger of Allâh ﷺ had nine wives and he used to give a share of his time to eight of them and not to one.'" (*Ṣaḥîḥ*)

٣١٩٨ - أَخْبَرَنَا أَبُو دَاوُدَ سُلَيْمَانُ بْنُ سَيْفٍ قَالَ: حَدَّثَنَا جَعْفَرُ بْنُ عَوْنٍ قَالَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ عَنْ عَطَاءٍ قَالَ: حَضَرْنَا مَعَ ابْنِ عَبَّاسٍ جَنَازَةَ مَيْمُونَةَ زَوْجِ النَّبِيِّ ﷺ بِسَرِفَ، فَقَالَ ابْنُ عَبَّاسٍ: هٰذِه مَيْمُونَةُ إِذَا رَفَعْتُمْ جَنَازَتَهَا فَلَا تُزَعْزِعُوهَا وَلَا تُزَلْزِلُوهَا فَإِنَّ رَسُولَ اللهِ ﷺ كَانَ مَعَهُ تِسْعُ نِسْوَةٍ فَكَانَ يَقْسِمُ لِثَمَانٍ وَوَاحِدَةٌ لَمْ يَكُنْ يَقْسِمُ لَهَا.

تخريج: أخرجه البخاري، النكاح، باب كثرة النساء، ح:٥٠٦٧، ومسلم، الرضاع، باب جواز هبتها نوبتها لضرتها، ح:١٤٦٥ من حديث ابن جريج به، وهو في الكبرٰى، ح:٥٣٠٤ .

Comments:

Maymûnah's marriage, bridal escort to the Prophet's ﷺ household, and death; all these events took place in Sarf. She was laid to rest in the same tent from where she was escorted to live with the Prophet ﷺ. Maimûnah was the sister of Ibn 'Abbâs mother.

3199. It was narrated that Ibn 'Abbâs said: "When the Messenger of Allâh ﷺ died he had nine wives; he used to be intimate with all of them except one, who had given her day and night to 'Âishah." (*Ṣaḥîḥ*)

٣١٩٩ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ قَالَ: أَخْبَرَنَا سُفْيَانُ قَالَ: حَدَّثَنِي عَمْرُو بْنُ دِينَارٍ عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: تُوُفِّيَ رَسُولُ اللهِ

ﷺ وَعِنْدَهُ تِسْعُ نِسْوَةٍ يُصِيبُهُنَّ إِلَّا سَوْدَةَ فَإِنَّهَا وَهَبَتْ يَوْمَهَا وَلَيْلَتَهَا لِعَائِشَةَ.

تخريج: [إسناده صحيح] وهو في الكبرٰى، ح:٥٣٠٧.

Comments:

If someone relinquishes one's right out of free will, then there is nothing wrong in it. Her passion had declined. She, therefore, sacrificed her turn and gifted it to 'Âishah ؓ, who had been the only virgin wife among all the other wives of the Prophet ﷺ.

3200. Anas narrated that the Prophet ﷺ used to go around to his wives in a single night, and at that time he had nine wives. (*Sahîh*)

٣٢٠٠ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ عَنْ يَزِيدَ - وَهُوَ ابْنُ زُرَيْعٍ - قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، أَنَّ أَنَسًا حَدَّثَهُمْ: أَنَّ النَّبِيَّ ﷺ كَانَ يَطُوفُ عَلَى نِسَائِهِ فِي اللَّيْلَةِ الْوَاحِدَةِ وَلَهُ يَوْمَئِذٍ تِسْعُ نِسْوَةٍ.

تخريج: أخرجه البخاري، الغسل، باب: الجنب يخرج ويمشي في السوق وغيره، ح:٢٨٤ من حديث يزيد بن زريع به، وهو في الكبرٰى، ح:٥٣٠٥.

Comments:

There is a disagreement whether the Messenger of Allâh ﷺ was obliged to apportion his time among his wives or not. But it is unanimously agreed upon that he used to apportion his time and visit all his wives by turns or in rotation.

3201. It was narrated that 'Âishah said: "I used to feel jealous of those (women) who offered themselves (in marriage) to the Prophet ﷺ and I said: 'Would a free woman offer herself?' Then Allâh, the Mighty and Sublime, revealed: 'You can postpone whom you will of them, and you may receive whom you will.'[1] I said: 'By Allâh, I see that your Lord is quick to respond to your wishes.'" (*Sahîh*)

٣٢٠١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ الْمُخَرِّمِيُّ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كُنْتُ أَغَارُ عَلَى اللَّاتِي وَهَبْنَ أَنْفُسَهُنَّ لِلنَّبِيِّ ﷺ فَأَقُولُ: أَ تَهَبُ الْحُرَّةُ نَفْسَهَا!؟ فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ: ﴿تُرْجِى مَن تَشَآءُ مِنْهُنَّ وَتُـْٔوِىٓ إِلَيْكَ مَن تَشَآءُ﴾ [الأحزاب: ٥١]. قُلْتُ: وَاللّٰهِ! مَا أَرَى رَبَّكَ إِلَّا يُسَارِعُ لَكَ فِي هَوَاكَ.

تخريج: أخرجه البخاري، التفسير، باب قوله: ﴿ترجى من تشاء منهن ...﴾ إلخ"، ح:٤٧٨٨، ومسلم، الرضاع، باب جواز هبتها نوبتها لضرتها، ح:١٤٦٤ من حديث أبي أسامة به، وهو في الكبرٰى، ح:٥٣٠٦.

[1] *Al-Ahzâb* 33:51.

Comments:

Allâh, Most High, had made it permissible for the Prophet ﷺ, that if any believing emigrant woman offers herself to Allâh's Messenger ﷺ to contract marriage, he could marry her without her guardians; because in the first place, the guardians of the Emigrant women were disbelievers. Their guardianship, therefore, stood annulled. Secondly, in the event of the absence of genealogical guardians, he was their legal guardian on account of him being the ruler. Therefore, in the event of a woman's offering herself, the Prophet's ﷺ marriage with her fulfilled all the prerequisites or conditions. But Allâh's Messenger ﷺ did not take any such woman in marriage, who had offered herself on her own, so that no idle good-for-nothing person could make any accusation, although it was lawful for the Prophet ﷺ according to the rule of the Divine law; from every dimension, legal as well as moral.

3202. It was narrated that Sahl bin Sa'd said: "I was among the people when a woman said: 'I offer myself (in marriage) to you, O Messenger of Allâh, see what you think of me.' A man stood up and said: 'Marry me to her.' He said: 'Go and find (something), even if it is an iron ring.' So he went, but he could not find anything, not even an iron ring. So the Messenger of Allâh ﷺ said: 'Do you have (memorized) any *Sûrahs* of the Qur'ân?' He said: 'Yes.' So he married him to her on the basis of what he knew of *Sûrahs* of the Qur'ân." (***Sahîh***)

٣٢٠٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ الْمُقْرِىءُ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنَا أَبُو حَازِمٍ عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: أَنَا فِي الْقَوْمِ إِذْ قَالَتِ امْرَأَةٌ: إِنِّي قَدْ وَهَبْتُ نَفْسِي لَكَ يَا رَسُولَ اللهِ! فَرَأْ فِيَّ رَأْيَكَ، فَقَامَ رَجُلٌ فَقَالَ: زَوِّجْنِيهَا، فَقَالَ: «اذْهَبْ فَاطْلُبْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ» فَذَهَبَ فَلَمْ يَجِدْ شَيْئًا وَلَا خَاتَمًا مِنْ حَدِيدٍ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَمَعَكَ مِنْ سُوَرِ الْقُرْآنِ شَيْءٌ؟» قَالَ: نَعَمْ قَالَ: فَزَوَّجَهُ بِمَا مَعَهُ مِنْ سُوَرِ الْقُرْآنِ.

تخريج: أخرجه البخاري، النكاح، باب التزويج على القرآن وبغير صداق، ح:٥١٤٩، ومسلم، النكاح، باب الصداق وجواز كونه تعليم قرآن وخاتم حديد وغير ذلك ... إلخ، ح:١٤٢٥/٧٧ من حديث سفيان بن عيينة به، وهو في الكبرى، ح:٥٣٠٨.

Comments:

This woman was also destitute. She had no guardians. That is why Allâh's Messenger ﷺ gave her in marriage, becoming her guardian, in his capacity as the ruler. It transpires from this narration that if someone possessed no amount of money to be given as dower (*Mahr*), the marriage could be contracted in substitution of education. This is because education also consists of wages or remuneration, and remuneration constitutes wealth. Therefore, there is nothing wrong in it.

Chapter 2. What Allâh Enjoined Upon His Prophet ﷺ And Forbade To Other People In Order To Bring Him Closer To Him

(المعجم ٢) - مَا افْتَرَضَ اللهُ عَزَّ وَجَلَّ عَلَى رَسُولِهِ عَلَيهِ السَّلَامُ وَحَرَّمَهُ عَلَى خَلْقِهِ لِيَزِيدَهُ إِنْ شَاءَ اللهُ قُرْبَةً إِلَيهِ (التحفة ٢)

3203. It was narrated from 'Âishah, the wife of the Prophet ﷺ, that the Messenger of Allâh ﷺ came to her when Allâh commanded him to give his wives the choice. 'Âishah said: "The Messenger of Allâh ﷺ started with me and said: 'I am going to tell you something, but you do not have to rush until you consult your parents.'" She said: "He knew that my parents would not tell me to leave him." Then the Messenger of Allâh ﷺ said: 'O Prophet! Say to your wives: If you desire the life of this world, and its glitter, then come! I will make a provision for you and set you free in a handsome manner.'[1] "I said: 'Do I need to consult my parents about this? I choose Allâh and His Messenger, and the abode of the Hereafter.'" (*Sahîh*)

٣٢٠٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ عَبْدِ اللهِ بْنِ خَالِدٍ النَّيْسَابُورِيُّ قَالَ: حَدَّثَنَا مُحَمَّدُ ابْنُ مُوسَى بْنِ أَعْيَنَ قَالَ: حَدَّثَنَا أَبِي عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنَا أَبُو سَلَمَةَ ابْنُ عَبْدِ الرَّحْمٰنِ عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ: أَنَّهَا أَخْبَرَتْهُ أَنَّ رَسُولَ اللهِ ﷺ جَاءَهَا حِينَ أَمَرَهُ اللهُ أَنْ يُخَيِّرَ أَزْوَاجَهُ قَالَتْ عَائِشَةُ: فَبَدَأَ بِي رَسُولُ اللهِ ﷺ فَقَالَ: «إِنِّي ذَاكِرٌ لَكِ أَمْرًا فَلَا عَلَيْكِ أَنْ لَا تُعَجِّلِي حَتَّى تَسْتَأْمِرِي أَبَوَيْكِ» قَالَتْ: وَقَدْ عَلِمَ أَنَّ أَبَوَيَّ لَا يَأْمُرَانِّي بِفِرَاقِهِ ثُمَّ قَالَ رَسُولُ اللهِ ﷺ: ﴿يَٰٓأَيُّهَا ٱلنَّبِىُّ قُل لِّأَزْوَٰجِكَ إِن كُنتُنَّ تُرِدْنَ ٱلْحَيَوٰةَ ٱلدُّنْيَا وَزِينَتَهَا فَتَعَالَيْنَ أُمَتِّعْكُنَّ﴾ [الأحزاب: ٢٨] قُلْتُ: فِي هٰذَا أَسْتَأْمِرُ أَبَوَيَّ! فَإِنِّي أُرِيدُ اللهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ.

تخريج: أخرجه البخاري، التفسير، باب قوله: ﴿يأيها النبي قل لأزواجك إن كنتن تردن الحياة الدنيا ...﴾ إلخ"، ح: ٤٧٨٥، ومسلم، الطلاق، باب بيان أن تخييره امرأته لا يكون طلاقًا إلا بالنية، ح: ١٤٧٥ من حديث الزهري به، وهو في الكبرى، ح: ٥٣١٢ .

Comments:

An-Nasâ'î has reckoned this as specific to the Messenger of Allâh ﷺ, because it is obligatory upon us to provide our wives with food, drink, and clothing in every condition. Therefore, we cannot tell our wives to go hungry with us, otherwise they will be divorced. Within the household of the Prophet ﷺ, only women characterized by the Prophetic temperament are appropriate, so that Allâh's Messenger ﷺ might not encounter any inconvenience.

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[1] *Al-Ahzâb* 33:28.

3204. It was narrated that 'Âishah, may Allâh be pleased with her, said: "The Messenger of Allâh ﷺ gave his wives the choice (of staying with him) was it divorce?" (*Ṣaḥîḥ*)

٣٢٠٤ - أَخْبَرَنَا بِشْرُ بْنُ خَالِدٍ الْعَسْكَرِيُّ قَالَ: حَدَّثَنَا غُنْدَرٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ سُلَيْمَانَ قَالَ: سَمِعْتُ أَبَا الضُّحَى عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: قَدْ خَيَّرَ رَسُولُ اللهِ ﷺ نِسَاءَهُ أَوَ كَانَ طَلَاقًا.

تخريج: أخرجه البخاري، الطلاق، باب من خير أزواجه وقول الله تعالى: "قل لأزواجك إن كنتن ... الخ"، ح: ٥٢٦٢، ومسلم، ح: ٢٨/١٤٧٧ (انظر الحديث السابق) من حديث سليمان الأعمش به، وهو في الكبرى، ح: ٥٣١٣.

Comments:

Some advocate that if a husband (in the situation mentioned above) offers a choice of divorce to his wife, then the divorce would take place; under all circumstances, even if she chooses to remain in her husband's house. 'Âishah ﷺ negated this notion that when the wife gives precedence to her husband: where does the question of divorce arise?

3205. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ gave us the choice, and we chose him, so there was no divorce." (*Ṣaḥîḥ*)

٣٢٠٥ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ عَنْ سُفْيَانَ، عَنْ إِسْمَاعِيلَ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: خَيَّرَنَا رَسُولُ اللهِ ﷺ فَاخْتَرْنَاهُ فَلَمْ يَكُنْ طَلَاقًا.

تخريج: أخرجه مسلم، ح: ٢٧/١٤٧٧ من حديث عبدالرحمن بن مهدي، والبخاري، ح: ٥٢٦٣ (انظر الحديث السابق) من حديث إسماعيل بن أبي خالد به، وهو في الكبرى، ح: ٥٣١٠.

3206. It was narrated that 'Aṭâ' said: "Âishah said: 'The Messenger of Allâh ﷺ did not die until women had been made lawful to him.'"[1] (*Ṣaḥîḥ*)

٣٢٠٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ عَنْ سُفْيَانَ قَالَ: حَفِظْنَاهُ مِنْ عَمْرٍو عَنْ عَطَاءٍ قَالَ: قَالَتْ عَائِشَةُ: مَا مَاتَ رَسُولُ اللهِ ﷺ حَتَّى أُحِلَّ لَهُ النِّسَاءُ.

تخريج: [صحيح] أخرجه الترمذي، تفسير القرآن، باب: ومن سورة الأحزاب، ح: ٣٢١٦ من حديث سفيان بن عيينة به، وقال: "حسن صحيح" وهو في الكبرى، ح: ٥٣١١ .

[1] See *Al-Aḥzâb* 33:50.

Comments:

When the pure wives of the Prophet ﷺ were proved absolutely successful in the above-mentioned test of volition, Allâh's Messenger ﷺ was prohibited from divorcing any of his wives, or taking any other wife in addition of them; 'with a view to underscore their esteemed rank.' But since the objective was not to impose any restriction upon the Prophet ﷺ, the objective was rather to highlight the sublimity of the pure wives of the Prophet ﷺ, after a little while, it was made clear that there is no restriction upon the Prophet ﷺ concerning the matter of marriage and divorce. You may retain whomever you wish, divorce whomever you want, and take in marriage whomever you desire. But Allâh's Messenger ﷺ did not make use of this choice. He ﷺ rather retained all his current wives and held them in high esteem.

3207. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ did not die until Allâh permitted him to marry whatever women he wanted." (*Ṣaḥîḥ*)

٣٢٠٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: حَدَّثَنَا أَبُو هِشَامٍ - وَهُوَ الْمُغِيرَةُ بْنُ سَلَمَةَ الْمَخْزُومِيُّ - قَالَ: حَدَّثَنَا وُهَيْبٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ عَطَاءٍ، عَنْ عُبَيْدِ بْنِ عُمَيْرٍ، عَنْ عَائِشَةَ قَالَتْ: مَا تُوُفِّيَ رَسُولُ اللهِ ﷺ حَتَّى أَحَلَّ اللهُ لَهُ أَنْ يَتَزَوَّجَ مِنَ النِّسَاءِ مَا شَاءَ.

تخريج: [إسناده صحيح] أخرجه أحمد:٦/ ١٨٠ من حديث وهيب بن خالد به، وهو في الكبرٰى، ح:٥٣١٤.

Chapter 3. Encouragement To Marry

(المعجم ٣) - الْحَثُّ عَلَى النِّكَاحِ (التحفة ٣)

3208. It was narrated that 'Alqamah said: "I was with Ibn Mas'ûd while he was with 'Uthmân, may Allâh be pleased with him, and 'Uthmân said: 'The Messenger of Allâh ﷺ came out to some *Fityah* (young men) —Abû 'Abdur-Raḥmân said, 'I did not understand (the word) *Fityah* as I would want' — and said: 'Whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity, and whoever cannot, then fasting will

٣٢٠٨ - أَخْبَرَنَا عَمْرُو بْنُ زُرَارَةَ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنَا يُونُسُ عَنْ أَبِي مَعْشَرٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ: كُنْتُ مَعَ ابْنِ مَسْعُودٍ وَهُوَ عِنْدَ عُثْمَانَ رَضِيَ اللهُ عَنْهُ، فَقَالَ عُثْمَانُ: خَرَجَ رَسُولُ اللهِ ﷺ عَلَى - يَعْنِي فِتْيَةً - قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: فَلَمْ أَفْهَمْ فِتْيَةً كَمَا أَرَدْتُ، فَقَالَ: «مَنْ كَانَ مِنْكُمْ ذَا طَوْلٍ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ وَأَحْصَنُ لِلْفَرْجِ وَمَنْ لَا فَالصَّوْمُ لَهُ وِجَاءٌ».

be a restraint (*Wijâ'*) for him.'" (*Sahîh*)

تخريج: [صحيح] تقدم، ح:٢٢٤٥، وهو في الكبرى، ح:٥٣١٥.

Comments:

See No. 3345.

3209. It was narrated from 'Alqamah, that 'Uthmân said to Ibn Mas'ûd: "Shall I arrange for you to marry a young girl?" 'Abdullâh called 'Alqamah and he told the people that the Prophet ﷺ said: "Whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity. And whoever cannot afford it, then let him fast, for it will be restraint for him." (*Sahîh*)

٣٢٠٩ - أَخْبَرَنَا بِشْرُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ، عَنْ سُلَيْمَانَ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ: أَنَّ عُثْمَانَ قَالَ لِابْنِ مَسْعُودٍ: هَلْ لَكَ فِي فَتَاةٍ أُزَوِّجُكَهَا؟ فَدَعَا عَبْدُ اللهِ عَلْقَمَةَ فَحَدَّثَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنِ اسْتَطَاعَ الْبَاءَةَ فَلْيَتَزَوَّجْ فَإِنَّهُ أَغَضُّ لِلْبَصَرِ وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَلْيَصُمْ فَإِنَّهُ لَهُ وِجَاءٌ».

تخريج: [صحيح] تقدم، ح:٢٢٤٢، وهو في الكبرى، ح:٥٣١٨.

Comments:

In this narration the ability to marry denotes financial capability, and not the bodily strength; otherwise, what is the use of fasting in the latter situation?

3210. It was narrated from 'Alqamah and Al-Aswad that 'Abdullâh said: "The Messenger of Allâh ﷺ said to us: 'Whoever among you can afford it, let him get married, and whoever cannot then he should fast, for it will be a restraint (*Wijâ'*) for him.'" (*Sahîh*)

Abû 'Abdur-Rahmân said: (The mention of) Al-Aswad in this *Hadîth* is not preserved.

٣٢١٠ - أَخْبَرَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ الْكُوفِيُّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ ابْنُ مُحَمَّدٍ الْمُحَارِبِيُّ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ وَالْأَسْوَدِ، عَنْ عَبْدِ اللهِ قَالَ: قَالَ لَنَا رَسُولُ اللهِ ﷺ: «مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وِجَاءٌ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: الْأَسْوَدُ فِي هٰذَا الْحَدِيثِ لَيْسَ بِمَحْفُوظٍ.

تخريج: [صحيح] تقدم، ح:٢٢٤٢، وهو في الكبرى، ح:٥٣١٧.

3211. It was narrated that

٣٢١١ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ:

'Abdullâh said: "The Messenger of Allâh ﷺ said to us: 'O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding chastity, and whoever cannot then he should fast, for it will be a restraint (*Wijâ'*) for him.'" (*Ṣaḥîḥ*)

حَدَّثَنَا سُفْيَانُ عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ يَزِيدَ، عَنْ عَبْدِ اللهِ قَالَ: قَالَ لَنَا رَسُولُ اللهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ! مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَنْكِحْ فَإِنَّهُ أَغَضُّ لِلْبَصَرِ وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَا فَلْيَصُمْ فَإِنَّ الصَّوْمَ لَهُ وِجَاءٌ».

تخريج: [صحيح] تقدم، ح:٢٢٤١، وهو في الكبرٰى، ح:٥٣١٩.

3212. It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ said to us: 'O young men, whoever among you can afford it, let him get married,'" and he quoted the same *Ḥadîth*. (*Ṣaḥîḥ*)

٣٢١٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ يَزِيدَ، عَنْ عَبْدِ اللهِ قَالَ: قَالَ لَنَا رَسُولُ اللهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ! مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ» وَسَاقَ الْحَدِيثَ.

تخريج: [صحيح] تقدم، ح:٢٢٤١، وهو في الكبرٰى، ح:٥٣٢٠.

3213. It was narrated that 'Alqamah said: "I was walking with 'Abdullâh in Mina and he was met by 'Uthmân who stood with him and spoke with him. He said: 'O Abû 'Abdur-Raḥmân! Shall I not marry you to a young girl? Perhaps she will remind you of when you were younger?' 'Abdullâh said: 'As you say that (it reminds me that) the Messenger of Allâh ﷺ said to us: O young men, whoever among you can afford it, let him get married.'" (*Ṣaḥîḥ*)

٣٢١٣ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ: كُنْتُ أَمْشِي مَعَ عَبْدِ اللهِ بِمِنًى فَلَقِيَهُ عُثْمَانُ فَقَامَ مَعَهُ يُحَدِّثُهُ فَقَالَ: يَا أَبَا عَبْدِ الرَّحْمٰنِ! أَلَا أُزَوِّجُكَ جَارِيَةً شَابَّةً؟ فَلَعَلَّهَا أَنْ تُذَكِّرَكَ بَعْضَ مَا مَضَى مِنْكَ، فَقَالَ عَبْدُ اللَّهِ: أَمَا لَئِنْ قُلْتَ ذَاكَ لَقَدْ قَالَ لَنَا رَسُولُ اللهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ! مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ».

تخريج: [صحيح] تقدم، ح:٢٢٤٢، وهو في الكبرٰى، ح:٥٣١٦.

Chapter 4. Prohibition Of Celibacy

(المعجم ٤) - **بَابُ النَّهْيِ عَنِ التَّبَتُّلِ** (التحفة ٤)

3214. It was narrated that Sa'd bin Abî Waqqâs said: "The Messenger of Allâh ﷺ forbade 'Uthmân to be celibate. If he had given him permission we would have castrated ourselves." (*Sahîh*)

٣٢١٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ الْمُبَارَكِ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ سَعْدِ ابْنِ أَبِي وَقَّاصٍ قَالَ: لَقَدْ رَدَّ رَسُولُ اللهِ ﷺ عَلَى عُثْمَانَ التَّبَتُّلَ، وَلَوْ أَذِنَ لَهُ لَاخْتَصَيْنَا.

تخريج: أخرجه مسلم، النكاح، باب استحباب النكاح، لمن تاقت نفسه إليه ووجد مؤنة ... إلخ، ح:١٤٠٢ من حديث ابن المبارك، والبخاري، النكاح، باب ما يكره من التبتل والخصاء، ح:٥٠٧٣، ٥٠٧٤ من حديث الزهري به، وهو في الكبرى، ح:٥٢٢٣ .

Comments:

'Uthman bin Ma'zûn was young. He had been extremely devoted to worship. He sought the permission of the Prophet ﷺ to remain preoccupied with worship all the time, and not get involved in the tumult of womenfolk, but Allâh's Messenger ﷺ did not grant him permission.

3215. It was narrated from 'Âishah that the Messenger of Allâh ﷺ forbade celibacy. (*Sahîh*)

٣٢١٥ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ أَشْعَثَ، عَنِ الْحَسَنِ، عَنْ سَعْدِ بْنِ هِشَامٍ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنِ التَّبَتُّلِ.

تخريج: [صحيح] أخرجه أحمد:٦/ ١٢٥، ٢٥٢، ٢٥٧ من حديث أشعث بن عبدالملك به، وهو في الكبرى، ح:٥٣٢٢، وللحديث شواهد كثيرة، منها الحديث السابق.

3216. It was narrated from Samurah bin Jundab that the Prophet ﷺ forbade celibacy. (*Sahîh*)

Abû 'Abdur-Rahmân said: Qatâdah is more reliable and better preserves narrations than Ash'ath but the *Hadîth* of Ash'ath (here) appears to be the correct one. Allâh, Most High, knows best.

٣٢١٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا مُعَاذُ بْنُ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمُرَةَ بْنِ جُنْدُبٍ عَنِ النَّبِيِّ ﷺ: أَنَّهُ نَهَى عَنِ التَّبَتُّلِ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: قَتَادَةُ أَثْبَتُ وَأَحْفَظُ مِنْ أَشْعَثَ، وَحَدِيثُ أَشْعَثَ أَشْبَهُ بِالصَّوَابِ. وَاللّٰهُ تَعَالَى أَعْلَمُ.

تخريج: [صحيح] أخرجه الترمذي، النكاح، باب ماجاء في النهي عن التبتل، ح:١٠٨٢ من إسحاق به، وقال: "حسن غريب"، وهو في الكبرى، ح:٥٣٢١، وانظر الحديث السابق.

3217. It was narrated from Abû Salamah that Abû Hurairah said: "I said: 'O Messenger of Allâh, I am a young man and I fear hardship for myself, but I cannot afford to marry; should I castrate myself?'" The Prophet ﷺ turned away from him until he said it three times. Then the Prophet ﷺ said: "O Abû Hurairah, the pen is dried concerning what you are going to face, so (it is up to you whether) you castrate yourself or not."[1] (*Sahîh*)

Abû 'Abdur-Rahmân (An-Nasâ'î) said: Al-Awzâ'î did not hear this narration from Az-Zuhrî, and this *Hadîth* is *Sahîh*, Yûnus reported it from Az-Zuhrî.

٣٢١٧ - أَخْبَرَنَا يَحْيَى بْنُ مُوسَى قَالَ: حَدَّثَنَا أَنَسُ بْنُ عِيَاضٍ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ: أَنَّ أَبَا هُرَيْرَةَ قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! إِنِّي رَجُلٌ شَابٌّ قَدْ خَشِيتُ عَلَى نَفْسِي الْعَنَتَ، وَلَا أَجِدُ طَوْلًا أَتَزَوَّجُ النِّسَاءَ، أَفَأَخْتَصِي؟ فَأَعْرَضَ عَنْهُ النَّبِيُّ ﷺ، حَتَّى قَالَ ثَلَاثًا، فَقَالَ النَّبِيُّ ﷺ: «يَا أَبَا هُرَيْرَةَ! جَفَّ الْقَلَمُ بِمَا أَنْتَ لَاقٍ، فَاخْتَصِ عَلَى ذٰلِكَ أَوْ دَعْ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: الْأَوْزَاعِيُّ لَمْ يَسْمَعْ هٰذَا الْحَدِيثَ مِنَ الزُّهْرِيِّ، وَهٰذَا حَدِيثٌ صَحِيحٌ قَدْ رَوَاهُ يُونُسُ عَنِ الزُّهْرِيِّ.

تخريج: [صحيح] وهو في الكبرى، ح:٥٣٢٣ * حديث يونس بن يزيد عن الزهري: أخرجه البخاري، النكاح، باب ما يكره من التبتل والخصاء، ح:٥٠٧٦.

Comments:

The gist of the Prophet's ﷺ statement is: Allâh, Most High, has the foreknowledge of your upcoming actions. Hence, what good will the forbidden act of castration do to you? It is, therefore, better that you should supplicate to Allâh to grant you abundance or plentifulness, and do every effort to keep away from sinning.

3218. It was narrated from Sa'd bin Hishâm that he came to the Mother of the Believers, 'Âishah. He said: "I want to ask you about celibacy, what do you think about it?" She said: "Do not do that; have you not heard that Allâh, the Mighty and Sublime, says: 'And indeed We sent Messengers before

٣٢١٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ الْخَلَنْجِيُّ قَالَ: حَدَّثَنَا أَبُو سَعِيدٍ مَوْلَى بَنِي هَاشِمٍ قَالَ: حَدَّثَنَا حُصَيْنُ بْنُ نَافِعٍ الْمَازِنِيُّ قَالَ: حَدَّثَنِي الْحَسَنُ عَنْ سَعْدِ بْنِ هِشَامٍ: أَنَّهُ دَخَلَ عَلَى أُمِّ الْمُؤْمِنِينَ عَائِشَةَ، قَالَ: قُلْتُ: إِنِّي أُرِيدُ أَنْ أَسْأَلَكِ عَنِ التَّبَتُّلِ فَمَا

[1] This is a rebuke for thinking of using impermissible means to solve the problem.

you, and made for them wives and offspring.?[1] So do not be celibate.'" (*Sahîh*)

تَرِينَ فِيهِ؟ قَالَتْ: فَلَا تَفْعَلْ، أَمَا سَمِعْتَ اللهَ عَزَّ وَجَلَّ يَقُولُ: ﴿وَلَقَدْ أَرْسَلْنَا رُسُلًا مِّن قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً﴾ [الرعد: ٣٨] فَلَا تَبَتَّلْ.

تخريج: [صحيح] تقدم، ح:٣٢١٥، وهو في الكبرى، ح:٥٣٢٥.

Comments:

'Yet, marriage is the *Sunnah* of the prophets. And whoever dislikes my exemplary way or *Sunnah* is not of me' (the upcoming *Hadîth*). To abandon the agreed upon way of the Prophet ﷺ is an evident misguidance, and severing ties with the Prophets ﷺ.

3219. It was narrated from Anas that there was a group of the Companions of the Prophet ﷺ, one of whom said: "I will not marry women." Another said: "I will not eat meat." Another said: "I will not sleep on a bed." Another said: "I will fast and not break my fast." News of that reached the Messenger of Allâh ﷺ and he praised Allâh then said: "What is the matter with people who say such and such? But I pray and I sleep, I fast and I break my fast, and I marry women. Whoever turns away from my *Sunnah* is not of me." (*Sahîh*)

٣٢١٩ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَفَّانُ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ ثَابِتٍ، عَنْ أَنَسٍ: أَنَّ نَفَرًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ قَالَ بَعْضُهُمْ: لَا أَتَزَوَّجُ النِّسَاءَ، وَقَالَ بَعْضُهُمْ: لَا آكُلُ اللَّحْمَ، وَقَالَ بَعْضُهُمْ: لَا أَنَامُ عَلَى فِرَاشٍ، وَقَالَ بَعْضُهُمْ: أَصُومُ فَلَا أُفْطِرُ، فَبَلَغَ ذٰلِكَ رَسُولَ اللهِ ﷺ فَحَمِدَ اللهَ وَأَثْنَى عَلَيْهِ ثُمَّ قَالَ: «مَا بَالُ أَقْوَامٍ يَقُولُونَ كَذَا وَكَذَا؟ لٰكِنِّي أُصَلِّي وَأَنَامُ، وَأَصُومُ وَأُفْطِرُ، وَأَتَزَوَّجُ النِّسَاءَ، فَمَنْ رَغِبَ عَنْ سُنَّتِي فَلَيْسَ مِنِّي».

تخريج: أخرجه مسلم، النكاح، باب استحباب النكاح لمن تاقت نفسه إليه ووجد مؤنة . . . إلخ، ح:١٤٠١ من حديث حماد بن سلمة به، وهو في الكبرى، ح:٥٣٢٤.

Comments:

The concluding words of the *Hadîth* are in the form of admonition. In other words, such a person has no relation with me.

Chapter 5. Allâh Will Help The One Who Marries, Seeking To Keep Himself Chaste

(المعجم ٥) - **بَابُ مَعُونَةِ اللهِ النَّاكِحَ الَّذِي يُرِيدُ الْعَفَافَ** (التحفة ٥)

3220. It was narrated from Abû

٣٢٢٠ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ

[1] *Ar-Ra'd* 13:38.

Hurairah that the Messenger of Allâh ﷺ said: "There are three who are promised the help of Allâh: The *Mukâtab*[1] who wants to buy his freedom, the one who gets married seeking to keep himself chaste, and the *Mujâhid* who fights in the cause of Allâh." (*Hasan*)

عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «ثَلَاثَةٌ حَقٌّ عَلَى اللهِ عَزَّ وَجَلَّ عَوْنُهُمْ: الْمُكَاتَبُ الَّذِي يُرِيدُ الأَدَاءَ، وَالنَّاكِحُ الَّذِي يُرِيدُ الْعَفَافَ، وَالْمُجَاهِدُ فِي سَبِيلِ اللَّهِ».

تخريج: [إسناده حسن] تقدم، ح:٣١٢٢، وهو في الكبرى، ح:٥٣٢٦ .

Comments:

This narration has preceded in the Book of *Hajj* (No. 3122). There, along with these three, there is mention of one who performs the *Hajj* and *'Umrah*.

Chapter 6. Marrying Virgins

(المعجم ٦) - نِكَاحُ الأَبْكَارِ (التحفة ٦)

3221. It was narrated that Jâbir said: "I got married then I came to the Prophet ﷺ and he said: 'Have you got married, O Jâbir?' I said: 'Yes.' He said: 'To a virgin or to a previously married woman?' I said: 'To a previously-married woman.' He said: 'Why not a virgin, so you could play with her and she could play with you?'" (*Sahîh*)

٣٢٢١ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ عَمْرٍو، عَنْ جَابِرٍ قال: تَزَوَّجْتُ فَأَتَيْتُ النَّبِيَّ ﷺ فَقَالَ: «أَتَزَوَّجْتَ يَا جَابِرُ؟» قُلْتُ: نَعَمْ، قَالَ: «بِكْرًا أَمْ ثَيِّبًا؟» فَقُلْتُ: ثَيِّبًا، قَالَ: «فَهَلَّا بِكْرًا تُلَاعِبُهَا وَتُلَاعِبُكَ؟».

تخريج: أخرجه البخاري، النفقات، باب عون المرأة زوجها في ولده، ح:٥٣٦٧، ومسلم، الرضاع، باب استحباب نكاح البكر، ح:٥٦/١٤٦٦ من حديث حماد بن زيد به، وهو في الكبرى، ح:٥٣٢٧ * عمرو هو ابن دينار.

Comments:

A virgin offers her heartfelt instinctively sincere love; whereas a widow happens to have one home already. She would continue to compare and contrast between these two. She would not be able to express her sincerity to such an extent. Besides, there is a greater hope of children from a virgin.

3222. It was narrated that Jâbir said: "The Messenger of Allâh ﷺ met me and said: 'O Jâbir, have you got married to a woman since I last saw you?' I said: 'Yes, O Messenger of Allâh ﷺ.' He said:

٣٢٢٢ - أَخْبَرَنَا الْحَسَنُ بْنُ قَزَعَةَ قَالَ: حَدَّثَنَا سُفْيَانُ - وَهُوَ ابْنُ حَبِيبٍ - عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: لَقِيَنِي رَسُولُ اللهِ ﷺ فَقَالَ: «يَا جَابِرُ! هَلْ أَصَبْتَ

[1] The slave who has made a contract of manumission.

'To a virgin or to a previously married woman?' I said: 'To a previously-married woman.' He said: 'Why not a virgin, so she could play with you?'" (*Sahîh*)

امْرَأَةً بَعْدِي؟» قُلْتُ: نَعَمْ يَا رَسُولَ اللهِ! قَالَ: «بِكْرًا أَمْ أَيِّمًا؟» قُلْتُ: أَيِّمًا، قَالَ: «فَهَلَّا بِكْرًا تُلَاعِبُكَ؟».

تخريج: أخرجه البخاري، الوكالة، باب: إذا وكل رجل رجلاً أن يعطي شيئًا ولم يبين . . . إلخ، ح: ٢٣٠٩ من حديث ابن جريج به مطولاً، وهو في الكبرى، ح: ٥٣٢٨، وله طريق آخر عند مسلم، ح: ٧١٥ بعد، ح: ١٤٦٦، الرضاع، باب استحباب نكاح ذات الدين.

Comments:

See No. 3228.

Chapter 7. A Woman Marrying Someone Who Is Similar In Age To Her

(المعجم ٧) - تَزَوُّجُ الْمَرْأَةِ مِثْلَهَا فِي السِّنِّ (التحفة ٧)

3223. It was narrated from 'Abdullâh bin Buraidah that his father said: "Abû Bakr and 'Umar, may Allâh be pleased with them, proposed marriage to Fâtimah but the Messenger of Allâh ﷺ said: 'She is young.' Then 'Alî proposed marriage to her and he married her to him." (*Sahîh*)

٣٢٢٣ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنِ الْحُسَيْنِ بْنِ وَاقِدٍ، عَنْ عَبْدِ اللهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: خَطَبَ أَبُو بَكْرٍ وَعُمَرُ رَضِيَ اللهُ عَنْهُمَا فَاطِمَةَ فَقَالَ رَسُولُ اللهِ ﷺ: «إِنَّهَا صَغِيرَةٌ». فَخَطَبَهَا عَلِيٌّ فَزَوَّجَهَا مِنْهُ.

تخريج: [إسناده صحيح] أخرجه ابن حبان في صحيحه، ح: ٢٢٢٤ من حديث الحسين بن حريث به، وهو في الكبرى، ح: ٥٣٢٩، وصححه الحاكم على شرط الشيخين: ٢/ ١٦٧، ١٦٨، ووافقه الذهبي، وإنما هو على شرط مسلم فقط.

Comments:

Abû Bakr and 'Umar ﷺ had sent the proposal of marriage with Fatimah ﷺ in order to acquire the honor of being a son-in-law of the Prophet ﷺ.

Chapter 8. A Freed Slave Marrying An 'Arab Woman

(المعجم ٨) - تَزَوُّجُ الْمَوْلَى الْعَرَبِيَّةَ (التحفة ٨)

3224. It was narrated from 'Ubaidullâh bin 'Abdullâh bin 'Utbah that during the reign of Marwân, 'Abdullâh bin 'Amr bin 'Uthmân, who was a young man, issued a final divorce to the

٣٢٢٤ - أَخْبَرَنَا كَثِيرُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنِ الزُّبَيْدِيِّ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ عُتْبَةَ: أَنَّ عَبْدَ اللهِ بْنَ عَمْرِو بْنِ عُثْمَانَ طَلَّقَ وَهُوَ

daughter of Sa'eed bin Zaid, whose mother was Bint Qais. Her maternal aunt, Fâṭimah bint Qais, sent word to her telling her to move from the house of 'Abdullâh bin 'Amr. Marwân heard of that *and he sent word to the daughter* of Sa'eed, telling her to go back to her home, and asking her why she had moved from her home before her *'Iddah* was over? She sent word to him telling him that her maternal aunt had told her to do that. Fâṭimah bint Qais said that she had been married to Abû 'Amr bin Ḥafṣ, and when the Messenger of Allâh ﷺ appointed 'Alî bin Abî Ṭâlib as governor of Yemen, he went out with him and sent word to her that she was divorced with the third *Ṭalâq*. He told Al-Ḥârith bin Hishâm and 'Ayyâsh bin Abî Raî'ah to spend on her. She sent word to Al-Ḥârith and 'Ayyâsh asking them what her husband had told them to spend on her, and they said: 'By Allâh, she has no right to any maintenance from us, unless she is pregnant, and she cannot come into our home without our permission.' She said that she came to the Messenger of Allâh ﷺ and told him about that, and he stated that they were correct. Fâṭimah said: 'Where should I move to, O Messenger of Allâh?' He said: 'Move to the home of Ibn Umm Maktûm, the blind man whom Allâh, the Mighty and Sublime, named in His Book.' Fâṭimah said: 'So I observed my *'Iddah* there. He was a man who

غُلَامٌ شَابٌّ فِي إِمَارَةِ مَرْوَانَ بِنْتَ سَعِيدِ بْنِ زَيْدٍ - وَأُمُّهَا بِنْتُ قَيْسٍ - الْبَتَّةَ، فَأَرْسَلَتْ إِلَيْهَا خَالَتُهَا فَاطِمَةُ بِنْتُ قَيْسٍ تَأْمُرُهَا بِالِانْتِقَالِ مِنْ بَيْتِ عَبْدِ اللهِ بْنِ عَمْرٍو، وَسَمِعَ بِذٰلِكَ مَرْوَانُ فَأَرْسَلَ إِلَى ابْنَةِ سَعِيدٍ فَأَمَرَهَا أَنْ تَرْجِعَ إِلَى مَسْكَنِهَا، وَسَأَلَهَا مَا حَمَلَهَا عَلَى الِانْتِقَالِ مِنْ قَبْلِ أَنْ تَعْتَدَّ فِي مَسْكَنِهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا؟ فَأَرْسَلَتْ إِلَيْهِ تُخْبِرُهُ أَنَّ خَالَتَهَا أَمَرَتْهَا بِذٰلِكَ، فَزَعَمَتْ فَاطِمَةُ بِنْتُ قَيْسٍ أَنَّهَا كَانَتْ تَحْتَ أَبِي عَمْرِو بْنِ حَفْصٍ، فَلَمَّا أَمَّرَ رَسُولُ اللهِ ﷺ عَلِيَّ بْنَ أَبِي طَالِبٍ عَلَى الْيَمَنِ خَرَجَ مَعَهُ وَأَرْسَلَ إِلَيْهَا بِتَطْلِيقَةٍ هِيَ بَقِيَّةُ طَلَاقِهَا، وَأَمَرَ لَهَا الْحَارِثَ بْنَ هِشَامٍ وَعَيَّاشَ ابْنَ أَبِي رَبِيعَةَ بِنَفَقَتِهَا، فَأَرْسَلَتْ زَعَمَتْ إِلَى الْحَارِثِ وَعَيَّاشٍ تَسْأَلُهُمَا الَّذِي أَمَرَ لَهَا بِهِ زَوْجُهَا، فَقَالَا: وَاللّٰهِ! مَا لَهَا عِنْدَنَا نَفَقَةٌ إِلَّا أَنْ تَكُونَ حَامِلًا، وَمَا لَهَا أَنْ تَكُونَ فِي مَسْكَنِنَا إِلَّا بِإِذْنِنَا، فَزَعَمَتْ أَنَّهَا أَتَتْ رَسُولَ اللهِ ﷺ فَذَكَرَتْ ذٰلِكَ لَهُ فَصَدَّقَهُمَا، قَالَتْ فَاطِمَةُ: فَأَيْنَ أَنْتَقِلُ يَا رَسُولَ اللّٰهِ؟ قَالَ: «انْتَقِلِي عِنْدَ ابْنِ أُمِّ مَكْتُومٍ الْأَعْمَى الَّذِي سَمَّاهُ اللهُ عَزَّ وَجَلَّ فِي كِتَابِهِ». قَالَتْ فَاطِمَةُ: فَاعْتَدَدْتُ عِنْدَهُ وَكَانَ رَجُلًا قَدْ ذَهَبَ بَصَرُهُ، فَكُنْتُ أَضَعُ ثِيَابِي عِنْدَهُ، حَتَّى أَنْكَحَهَا رَسُولُ اللهِ ﷺ أُسَامَةَ بْنَ زَيْدٍ، فَأَنْكَرَ ذٰلِكَ عَلَيْهَا مَرْوَانُ وَقَالَ: لَمْ أَسْمَعْ هٰذَا الْحَدِيثَ مِنْ أَحَدٍ قَبْلَكِ، وَسَآخُذُ بِالْقَضِيَّةِ الَّتِي وَجَدْنَا

has lost his sight, so I used to take off my garments in his house, until the Messenger of Allâh ﷺ married me to Usâmah bin Zaid.' Marwan criticized her for that and said: 'I have never heard this *Hadîth* from anyone before you. I will continue to follow the ruling that the people have been following." (*Sahîh*)

النَّاسَ عَلَيْهَا. مُخْتَصَرٌ.

تخريج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ١٤٨٠/٤١ من حديث الزهري به، وهو في الكبرى، ح: ٥٣٣٢.

Comments:

'Final divorce': The third divorce is absolute because following it, one cannot take one's wife back.

3225. It was narrated from 'Âishah that Abû Hudhaifah bin 'Utbah bin Rabî'ah bin 'Abd Shams – who was one of those who had been present at Badr with the Messenger of Allâh ﷺ – adopted Sâlim and married him to his brother's daughter, Hind bint Al-Walîd bin 'Utbah bin Rabî'ah bin 'Abd Shams, and he was a freed slave of an Ansârî woman – as the Messenger of Allâh ﷺ had adopted Zaid. During the *Jâhiliyyah*, if a man adopted someone, the people would call him his son, and he would inherit from his legacy, until Allâh, the Mighty and Sublime, revealed about that: 'Call them by (the names of) their fathers, that is more just with Allâh. But if you know not their fathers' (names, call them) your brothers in Faith and *Mawâlîkûm* (your freed slaves)."[1] Then if a person's father's name

٣٢٢٥ - أَخْبَرَنَا عِمْرَانُ بْنُ بَكَّارِ بْنِ رَاشِدٍ قَالَ: حَدَّثَنَا أَبُو الْيَمَانِ قَالَ: أَخْبَرَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ عَنْ عَائِشَةَ: أَنَّ أَبَا حُذَيْفَةَ بْنَ عُتْبَةَ بْنِ رَبِيعَةَ بْنِ عَبْدِ شَمْسٍ - وَكَانَ مِمَّنْ شَهِدَ بَدْرًا مَعَ رَسُولِ اللهِ ﷺ - تَبَنَّى سَالِمًا وَأَنْكَحَهُ ابْنَةَ أَخِيهِ هِنْدَ بِنْتَ الْوَلِيدِ بْنِ عُتْبَةَ بْنِ رَبِيعَةَ بْنِ عَبْدِ شَمْسٍ - وَهُوَ مَوْلًى لِامْرَأَةٍ مِنَ الْأَنْصَارِ - كَمَا تَبَنَّى رَسُولُ اللهِ ﷺ زَيْدًا، وَكَانَ مَنْ تَبَنَّى رَجُلًا فِي الْجَاهِلِيَّةِ دَعَاهُ النَّاسُ ابْنَهُ فَوَرِثَ مِنْ مِيرَاثِهِ حَتَّى أَنْزَلَ اللهُ عَزَّ وَجَلَّ فِي ذٰلِكَ: ﴿ٱدْعُوهُمْ لِآبَآئِهِمْ هُوَ أَقْسَطُ عِندَ ٱللَّهِ فَإِن لَّمْ تَعْلَمُوٓا۟ ءَابَآءَهُمْ فَإِخْوَٰنُكُمْ فِى ٱلدِّينِ وَمَوَٰلِيكُمْ﴾ [الأحزاب: ٥] فَمَنْ لَمْ يُعْلَمْ لَهُ أَبٌ كَانَ مَوْلًى وَأَخًا فِي الدِّينِ. مُخْتَصَرٌ.

[1] *Al-Ahzâb* 33:5.

was not known, he would be their freed slave and brother in faith. (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، النكاح، باب الأكفاء في الدين، ح:٥٠٨٨ عن أبي اليمان به، وهو في الكبرٰى، ح:٥٣٣١، ٥٣٣٣.

3226. It was narrated from 'Âishah the wife of the Prophet ﷺ, and Umm Salamah the wife of the Prophet ﷺ that Abû Hudhaifah bin 'Utbah bin Rabî'ah bin Abd Shams – who was one of those who had been present at Badr with the Messenger of Allâh ﷺ – adopted Sâlim – who was the freed slave of an Anṣârî woman – as the Messenger of Allâh ﷺ had adopted Zaid bin Ḥârithah. Abû Hudhaifah bin 'Utbah married Sâlim to his brother's daughter Hind bint Al-Walîd bin 'Utbah bin Rabî'ah. Hind bint Al-Walîd bin 'Utbah was one of the first *Muhâjir* women, and at that time she was one of the best single women of the Quraish. When Allâh, the Mighty and Sublime, revealed the following concerning Zaid bin Ḥârithah: 'Call them by (the names of) their fathers, that is more just with Allâh. But if you know not their fathers' (names, call them) your brothers in Faith and *Mawâlîkûm* (your freed slaves).'[1] each of them went back to being called after his father, and if a person's father was unknown, he was named after his former masters. (*Ṣaḥîḥ*)

٣٢٢٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ نَصْرٍ قَالَ: حَدَّثَنَا أَيُّوبُ بْنُ سُلَيْمَانَ بْنِ بِلَالٍ قَالَ: حَدَّثَنِي أَبُو بَكْرِ بْنُ أَبِي أُوَيْسٍ عَنْ سُلَيْمَانَ ابْنِ بِلَالٍ قَالَ: قَالَ يَحْيَى - يَعْنِي ابْنَ سَعِيدٍ -: وَأَخْبَرَنِي ابْنُ شِهَابٍ قَالَ: حَدَّثَنِي عُرْوَةُ ابْنُ الزُّبَيْرِ وَابْنُ عَبْدِ اللهِ بْنِ رَبِيعَةَ عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ وَأُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ ﷺ: أَنَّ أَبَا حُذَيْفَةَ بْنَ عُتْبَةَ بْنِ رَبِيعَةَ بْنِ عَبْدِ شَمْسٍ - وَكَانَ مِمَّنْ شَهِدَ بَدْرًا مَعَ رَسُولِ اللهِ ﷺ - تَبَنَّى سَالِمًا - وَهُوَ مَوْلًى لِامْرَأَةٍ مِنَ الْأَنْصَارِ كَمَا تَبَنَّى رَسُولُ اللهِ ﷺ زَيْدَ بْنَ حَارِثَةَ - وَأَنْكَحَ أَبُو حُذَيْفَةَ بْنُ عُتْبَةَ سَالِمًا بِنْتَ أَخِيهِ هِنْدَ بِنْتَ الْوَلِيدِ بْنِ عُتْبَةَ بْنِ رَبِيعَةَ وَكَانَتْ هِنْدُ بِنْتُ الْوَلِيدِ بْنِ عُتْبَةَ مِنَ الْمُهَاجِرَاتِ الْأُوَلِ وَهِيَ يَوْمَئِذٍ مِنْ أَفْضَلِ أَيَامَى قُرَيْشٍ فَلَمَّا أَنْزَلَ اللهُ عَزَّ وَجَلَّ فِي زَيْدِ بْنِ حَارِثَةَ: ﴿ادْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِندَ اللَّهِ﴾. رُدَّ كُلُّ أَحَدٍ يَنْتَمِي مِنْ أُولَئِكَ إِلَى أَبِيهِ، فَإِنْ لَمْ يَكُنْ يُعْلَمُ أَبُوهُ رُدَّ إِلَى مَوَالِيهِ.

تخريج: [إسناده صحيح] أخرجه أبو داود، النكاح، باب من حرّم به، ح:٢٠٦١ من حديث

[1] *Al-Aḥzâb* 33:5.

ابن شهاب الزهري به، وهو في الكبرى، ح:٥٣٣٤، وأصله في صحيح البخاري، ح:٥٠٨٨،٤٠٠٠ من حديث الزهري عن عروة عن عائشة به * شيخ الزهري هو الحارث بن عبدالله بن أبي ربيعة المخزومي فيما نظن، والله أعلم.

Chapter 9. Nobility

(المعجم ٩) - **الْحَسَبُ** (التحفة ٩)

3227. It was narrated from Ibn Buraidah that his father said: "The Messenger of Allâh ﷺ said: 'The nobility of the people of this world, that which they (always) go to, is wealth.'"[1] (*Ṣaḥîḥ*)

٣٢٢٧ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا أَبُو تُمَيْلَةَ عَنْ حُسَيْنِ بْنِ وَاقِدٍ، عَنِ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ أَحْسَابَ أَهْلِ الدُّنْيَا الَّذِي يَذْهَبُونَ إِلَيْهِ الْمَالُ».

تخريج: [إسناده صحيح] أخرجه أحمد: ٥/ ٣٥٣، ٣٦١ من حديث حسين بن واقد به، وهو في الكبرى، ح:٥٣٣٥، وصححه ابن حبان، ح:١٢٣٣، ١٢٣٤، والحاكم: ٢/ ١٦٣، ووافقه الذهبي.

Chapter 10. For What Should A Woman Be Married?

(المعجم ١٠) - **عَلَى مَا تُنْكَحُ الْمَرْأَةُ** (التحفة ١٠)

3228. It was narrated from Jâbir that he married a woman at the time of the Messenger of Allâh ﷺ, and the Prophet ﷺ met him and said: "Have you got married, O Jâbir? He said: 'Yes.' He said: 'A virgin or a previously-married woman?' I said: 'A previously married woman.' He said: 'Why not a virgin who would play with you?' I said: 'O Messenger of Allâh, I have sisters, and I did not want her to come between them and I.' He said: 'That's better then. A woman may be married for her religious commitment, her wealth or her beauty. You should choose the one who is religiously committed, may

٣٢٢٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ: أَنَّهُ تَزَوَّجَ امْرَأَةً عَلَى عَهْدِ رَسُولِ اللهِ ﷺ فَلَقِيَهُ النَّبِيُّ ﷺ فَقَالَ: «أَتَزَوَّجْتَ يَا جَابِرُ؟» قَالَ: قُلْتُ: نَعَمْ قَالَ: «بِكْرًا أَمْ ثَيِّبًا؟» قَالَ: قُلْتُ: بَلْ ثَيِّبًا قَالَ: «فَهَلَّا بِكْرًا تُلَاعِبُكَ؟» قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! كُنَّ لِي أَخَوَاتٌ فَخَشِيتُ أَنْ تَدْخُلَ بَيْنِي وَبَيْنَهُنَّ قَالَ: «فَذَاكَ إِذًا إِنَّ الْمَرْأَةَ تُنْكَحُ عَلَى دِينِهَا وَمَالِهَا وَجَمَالِهَا فَعَلَيْكَ بِذَاتِ الدِّينِ تَرِبَتْ يَدَاكَ».

[1] They say that the meaning is that nobility is usually judged based upon wealth and treatment of it, where as honor is based upon *Taqwa*.

your hands be rubbed with dust (may you prosper).'" (*Saḥîḥ*)

تخريج: أخرجه مسلم، الرضاع، باب استحباب نكاح ذات الدين، ح:١٤٦٦(٥٤)(٧١٥) من حديث عبدالملك بن أبي سليمان به، وهو في الكبرٰى، ح:٥٣٣٦.

Comments:

"May your hands become dusty (*Taribat Yadâk*)": Primarily this phrase is uttered to admonish, but it is sometimes spoken to express affection and compassion also. (According to the Arabic lexicographers, to say that a person's hands became dirty, means "he became rich," as though he became possessor of wealth equal to the dust of the earth (*Turâb*).

Chapter 11. It Is Disliked To Marry One Who Is Infertile

(المعجم ١١) - كَرَاهِيَةُ تَزْوِيجِ العَقِيمِ (التحفة ١١)

3229. It was narrated that Ma'qil bin Yasâr said: "A man came to the Messenger of Allâh ﷺ and said: 'I have found a woman who is from a good family and of good status, but she does not bear children, should I marry her?' He told him not to. Then he came to him a second time and he told him not to (marry her). Then he came to him a third time and he told him not to (marry her), then he said: 'Marry the one who is fertile and loving, for I will boast of your great numbers.'" (*Hasan*)

٣٢٢٩ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ قَالَ: أَخْبَرَنَا الْمُسْتَلِمُ بْنُ سَعِيدٍ عَنْ مَنْصُورِ بْنِ زَاذَانَ، عَنْ مُعَاوِيَةَ بْنِ قُرَّةَ، عَنْ مَعْقِلِ بْنِ يَسَارٍ قَالَ: جَاءَ رَجُلٌ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: إِنِّي أَصَبْتُ امْرَأَةً ذَاتَ حَسَبٍ وَمَنْصِبٍ إِلَّا أَنَّهَا لَا تَلِدُ أَفَأَتَزَوَّجُهَا؟ فَنَهَاهُ، ثُمَّ أَتَاهُ الثَّانِيَةَ فَنَهَاهُ، ثُمَّ أَتَاهُ الثَّالِثَةَ فَنَهَاهُ، فَقَالَ: «تَزَوَّجُوا الْوَلُودَ الْوَدُودَ فَإِنِّي مُكَاثِرٌ بِكُمْ».

تخريج: **[إسناده حسن]** أخرجه أبو داود، النكاح، باب النهي عن تزويج من لم يلد من النساء، ح:٢٠٥٠ من حديث يزيد بن هارون به، وهو في الكبرٰى، ح:٥٣٤٢، وصححه ابن حبان، ح:١٢٢٩، ١٢٣٠، والحاكم:٢/ ١٦٢، ووافقه الذهبي، وللحديث شواهد كثيرة.

Comments:

'But she does not bear children': Certain things become popular. There is no need to investigate. May be a woman does not get her monthly period, or she might have previously married, and she had no children.

Chapter 12. Marrying An Adulteress

3230. It was narrated from 'Amr bin Shu'aib, from his father, from his grandfather, that Marthad bin Abî Marthad Al-Ghanawî – a strong man who used to take the prisoners from Makkah to Al-Madînah – said: "I arranged with a man to bring him (from Makkah to Al-Madînah). There was a prostitute in Makkah who was called 'Anâq, and she was his friend. She came out and saw my shadow on the wall, and said: 'Who is this? Marthad? Welcome, O Marthad, come tonight and stay at our place.' I said: 'O 'Anâq, the Messenger of Allâh ﷺ has forbidden adultery.' She said: 'O people of the tents, this porcupine is the one who is taking your prisoners from Makkah to Al-Madînah!' I headed toward (the mountain of) Al-Khandamah, and eight men came after me. They came and stood over my head, and they urinated, and their urine reached me, but Allâh caused them not to see me. Then I went to my companion (the prisoner) and brought him to Al-Arâk, where I undid his fetters. Then I came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, shall I marry 'Anâq?' He remained silent and did not answer me, then the following was revealed: 'And the adulteress – fornicator, none marries her except an adulterer — fornicator or an idolater.'[1] He

(المعجم ١٢) - **تَزْوِيجُ الزَّانِيَةِ** (التحفة ١٢)

٣٢٣٠ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ مُحَمَّدٍ التَّيْمِيُّ قَالَ: حَدَّثَنَا يَحْيَى - هُوَ ابْنُ سَعِيدٍ - عَنْ عُبَيْدِ اللهِ بْنِ الْأَخْنَسِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ مَرْثَدَ بْنَ أَبِي مَرْثَدٍ الْغَنَوِيَّ - وَكَانَ رَجُلًا شَدِيدًا وَكَانَ يَحْمِلُ الْأُسَارَى مِنْ مَكَّةَ إِلَى الْمَدِينَةِ - قَالَ: فَدَعَوْتُ رَجُلًا لِأَحْمِلَهُ، وَكَانَ بِمَكَّةَ بَغِيٌّ يُقَالُ لَهَا عَنَاقُ، وَكَانَتْ صَدِيقَتَهُ، خَرَجَتْ فَرَأَتْ سَوَادِي فِي ظِلِّ الْحَائِطِ فَقَالَتْ: مَنْ هٰذَا؟ مَرْثَدٌ مَرْحَبًا وَأَهْلًا يَا مَرْثَدُ! انْطَلِقِ اللَّيْلَةَ فَبِتْ عِنْدَنَا فِي الرَّحْلِ، قُلْتُ: يَا عَنَاقُ! إِنَّ رَسُولَ اللهِ ﷺ حَرَّمَ الزِّنَا، قَالَتْ: يَا أَهْلَ الْخِيَامِ! هٰذَا الدُّلْدُلُ [هٰذَا] الَّذِي يَحْمِلُ أُسَرَاءَكُمْ مِنْ مَكَّةَ إِلَى الْمَدِينَةِ، فَسَلَكْتُ الْخَنْدَمَةَ، فَطَلَبَنِي ثَمَانِيَةٌ فَجَاؤُوا حَتَّى قَامُوا عَلَى رَأْسِي فَبَالُوا [فَطَارَ] بَوْلُهُمْ عَلَيَّ وَأَعْمَاهُمُ اللهُ عَنِّي، فَجِئْتُ إِلَى صَاحِبِي فَحَمَلْتُهُ، فَلَمَّا انْتَهَيْتُ بِهِ إِلَى الْأَرَاكِ فَكَكْتُ عَنْهُ كَبْلَهُ، فَجِئْتُ إِلَى رَسُولِ اللهِ ﷺ فَقُلْتُ: يَا رَسُولَ اللهِ! أَنْكِحُ عَنَاقَ؟ فَسَكَتَ عَنِّي فَنَزَلَتْ ﴿وَالزَّانِيَةُ لَا يَنكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ﴾ [النور: ٣] فَدَعَانِي فَقَرَأَهَا عَلَيَّ وَقَالَ: «لَا تَنْكِحْهَا».

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[1] *An-Nūr* 24:3.

called me and recited them to me and said: 'Do not marry her.'" (*Ḥasan*)

تخريج: [**إسناده حسن**] أخرجه أبو داود، النكاح، باب في قوله تعالى: ﴿الزاني لا ينكح إلا زانية﴾، ح:٢٠٥١ عن إبراهيم التيمي به، وهو في الكبرى، ح:٥٣٣٨، وقال الترمذي، ح:٣١٧٧: حسن غريب، وصححه الحاكم:٢/١٦٦، ووافقه الذهبي.

Comments:

'Strong man': He lived by theft and robbery during the period of ignorance or *Jâhiliyyah*. Allâh's Messenger ﷺ assigned him the task of retrieving Muslim captives, in view of his vocation. May Allâh be well-pleased with him.

3231. It was narrated from Ibn 'Abbâs that a man came to the Messenger of Allâh ﷺ and said: "I have a wife who is one of the most beloved of the people to me, but she does not object if anyone touches her." He said: "Divorce her." He said: "I cannot do without her." He said: "Then stay with her as much as you need to." (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: This *Ḥadîth* is not reliable. 'Abdul-Karîm is not that strong (a narrator) and Hârûn bin Ri'âb is more reliable than him, and he narrated it in *Mursal* form. Hârûn is trustworthy, and his narration is more worthy of being considered correct than 'Abdul-Karîm's narration.

٣٢٣١ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا حَمَّادُ ابْنُ سَلَمَةَ وَغَيْرُهُ عَنْ هَارُونَ بْنِ رِئَابٍ، عَنْ عَبْدِ اللهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ وَعَبْدِ الْكَرِيمِ، عَنْ عَبْدِ اللهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ، عَنِ ابْنِ عَبَّاسٍ، - عَبْدُ الْكَرِيمِ يَرْفَعُهُ إِلَى ابْنِ عَبَّاسٍ وَهَارُونُ لَمْ يَرْفَعْهُ - قَالَا: جَاءَ رَجُلٌ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: إِنَّ عِنْدِي امْرَأَةً هِيَ مِنْ أَحَبِّ النَّاسِ إِلَيَّ وَهِيَ لَا تَمْنَعُ يَدَ لَامِسٍ، قَالَ: «طَلِّقْهَا» قَالَ: لَا أَصْبِرُ عَنْهَا، قَالَ: «اسْتَمْتِعْ بِهَا».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا الْحَدِيثُ لَيْسَ بِثَابِتٍ، وَعَبْدُ الْكَرِيمِ لَيْسَ بِالْقَوِيِّ، وَهَارُونُ ابْنُ رِئَابٍ أَثْبَتُ مِنْهُ وَقَدْ أَرْسَلَ الْحَدِيثَ. وَهَارُونُ ثِقَةٌ وَحَدِيثُهُ أَوْلَى بِالصَّوَابِ مِنْ حَدِيثِ عَبْدِ الْكَرِيمِ.

تخريج: [**صحيح**] وهو في الكبرى، ح:٥٣٤٠، وللحديث شاهد سيأتي، ح:٣٤٩٤، وانظر هناك شرح الحديث.

Chapter 13. The Prohibition Of Marrying Adulteresses

(المعجم ١٣) - بَابُ كَرَاهِيَةِ تَزْوِيجِ الزُّنَاةِ (التحفة ١٣)

3232. It was narrated from Abû Hurairah that the Prophet ﷺ said: "Women are married for four things: Their wealth, their nobility, their beauty and their religious commitment. Choose the one who is religiously-committed, may your hands be rubbed with dust." (*Ṣaḥîḥ*)

٣٢٣٢ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللهِ، عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «تُنْكَحُ النِّسَاءُ لِأَرْبَعَةٍ: لِمَالِهَا وَلِحَسَبِهَا وَلِجَمَالِهَا وَلِدِينِهَا، فَاظْفَرْ بِذَاتِ الدِّينِ تَرِبَتْ يَدَاكَ».

تخريج: أخرجه مسلم، الرضاع، باب استحباب نكاح ذات الدين، ح:١٤٦٦/ ٥٣ عن عبيدالله ابن سعيد، والبخاري، النكاح، باب الأكفاء في الدين، ح:٥٠٩٠ من حديث يحيى القطان به، وهو في الكبرى، ح:٥٣٣٧ .

Comments:

In this narration, there is no explicit mention of contracting marriage with adulterers/adulteresses. But the conclusion of the Prophet ﷺ stating: "Go for the one with religious disposition (*bi Dhâtid dîn*)" is very much the same, that an adulteress should not be taken in marriage, because she does not possess a religious disposition.

Chapter 14. Which Woman Is Best?

(المعجم ١٤) - أَيُّ النِّسَاءِ خَيْرٌ (التحفة ١٤)

3233. It was narrated that Abû Hurairah said: "It was said to the Messenger of Allâh ﷺ: 'Which woman is best?' He said: 'The one makes him happy when he looks at her, obeys him when he commands her, and she does not go against his wishes with regard to herself nor her wealth.'" (*Hasan*)

٣٢٣٣ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ عَجْلَانَ، عَنْ سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قِيلَ لِرَسُولِ اللهِ ﷺ: أَيُّ النِّسَاءِ خَيْرٌ؟ قَالَ: «الَّتِي تَسُرُّهُ إِذَا نَظَرَ، وَتُطِيعُهُ إِذَا أَمَرَ، وَلَا تُخَالِفُهُ فِي نَفْسِهَا وَمَالِهَا بِمَا يَكْرَهُ».

تخريج: [**إسناده حسن**] أخرجه أحمد: ٢/ ٤٣٢ من حديث محمد بن عجلان به، وصرح بالسماع، وهو في الكبرى، ح:٥٣٤٣ .

Comments:

Social relations cannot remain in harmony without the harmonious concord between husband and wife. If both of them are of equal status, the chances of accord are bleak.

Chapter 15. The Righteous Woman

(المعجم ١٥) - الْمَرْأَةُ الصَّالِحَةُ

(التحفة ١٥)

3234. It was narrated from 'Abdullâh bin 'Amr bin Al-'Âṣ that the Messenger of Allâh ﷺ said: "This world is all temporary conveniences, and the best temporary convenience of this world is a righteous woman." (*Ṣaḥîḥ*)

٣٢٣٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا حَيْوَةُ - وَذَكَرَ آخَرَ - أَخْبَرَنَا شُرَحْبِيلُ بْنُ شَرِيكٍ، أَنَّهُ سَمِعَ عَبْدَ الرَّحْمٰنِ الْحُبُلِيَّ يُحَدِّثُ عَنْ عَبْدِ اللهِ بْنِ عَمْرِو بْنِ الْعَاصِ، عَنْ رَسُولِ اللهِ ﷺ قَالَ: «إِنَّ الدُّنْيَا كُلَّهَا مَتَاعٌ وَخَيْرُ مَتَاعِ الدُّنْيَا الْمَرْأَةُ الصَّالِحَةُ».

تخريج: أخرجه مسلم، الرضاع، باب خير متاع الدنيا المرأة الصالحة، ح:١٤٦٩ من حديث عبدالله بن يزيد المقرىء به، وهو في الكبرى، ح:٥٣٤٤.

Comments:

Of the property of the world, the best thing is a virtuous woman, because the husband has constant relations with his wife. If she is virtuous, life would pass in peace, security, and tranquility. If she is not virtuous, then a perpetual dispute would ensue, distress would prevail, and life would become full of discord.

Chapter 16. The Jealous Woman

(المعجم ١٦) - الْمَرْأَةُ الْغَيْرَاءُ

(التحفة ١٦)

3235. It was narrated from Anas that they said: "O Messenger of Allâh, why don't you marry a woman from the Anṣâr?" He said: "They are very jealous." (*Ṣaḥîḥ*)

٣٢٣٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا النَّضْرُ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللهِ، عَنْ أَنَسٍ: قَالُوا: يَا رَسُولَ اللهِ! أَلَا تَتَزَوَّجُ مِنْ نِسَاءِ الْأَنْصَارِ؟ قَالَ: «إِنَّ فِيهِمْ لَغَيْرَةً شَدِيدَةً».

تخريج: [إسناده صحيح] ورواه ابن أبي حاتم من حديث حماد بن سلمة وغيره به، وأعله بعلة غير قادحة * إسحاق بن عبدالله هو ابن أبي طلحة.

Comments:

The Helpers (Anṣâr) were the people of calm temperament. This is why their womenfolk were domineering upon them. They feared them. Thus, a sort of sharpness had developed in the temperament of the womenfolk of the Helpers. Allâh's Messenger ﷺ had already had wives previously. The fiery-tempered women generally find it hard to bear themselves with their co-wives

and husband; rather they turn into a potential headache. Allâh's Messenger ﷺ did not contact marriage with any woman of the Helpers.

Chapter 17. It Is Permissible To Look Before Marriage

(المعجم ١٧) - إِبَاحَةُ النَّظَرِ قَبْلَ التَّزْوِيجِ (التحفة ١٧)

3236. It was narrated that Abû Hurairah said: "A man proposed marriage to a woman from among the Anṣâr and the Messenger of Allâh ﷺ said to him: 'Have you seen her?' He said: 'No.' So he told him to look at her." (*Ṣaḥîḥ*)

٣٢٣٦ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا مَرْوَانُ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ كَيْسَانَ - عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: خَطَبَ رَجُلٌ امْرَأَةً مِنَ الْأَنْصَارِ فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «هَلْ نَظَرْتَ إِلَيْهَا؟» قَالَ: لَا، فَأَمَرَهُ أَنْ يَنْظُرَ إِلَيْهَا.

تخريج: أخرجه مسلم، النكاح، باب ندب النظر إلى وجه المرأة وكفيها لمن يريد تزوجها، ح:١٤٢٤/ ٧٥ من حديث مروان بن معاوية الفزاري به، وهو في الكبرى، ح:٥٣٤٥ .

Comments:

Casting epicurean glances at women is forbidden. Needfully doing so is not prohibited. Marriage is a significant essentiality. Besides, it is a companionship of the whole life. It, therefore, is appropriate to see her in order to avoid any probable future unpleasantness. It does not, however, mean that one should go into her house making demands.

3237. It was narrated that Al-Mughîrah bin Shu'bah said: "I proposed marriage to a woman during the time of the Messenger of Allâh ﷺ, and the Prophet ﷺ said: 'Have you seen her?' I said: 'No.' He said: 'Look at her, for that is more likely to create love between you.'" (*Ṣaḥîḥ*)

٣٢٣٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْعَزِيزِ بْنِ أَبِي رِزْمَةَ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ قَالَ: حَدَّثَنَا عَاصِمٌ عَنْ بَكْرِ بْنِ عَبْدِ اللهِ الْمُزَنِيِّ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ قَالَ: خَطَبْتُ امْرَأَةً عَلَى عَهْدِ رَسُولِ اللهِ ﷺ، فَقَالَ النَّبِيُّ ﷺ: «أَنَظَرْتَ إِلَيْهَا؟» قُلْتُ: لَا، قَالَ: «فَانْظُرْ إِلَيْهَا فَإِنَّهُ أَجْدَرُ أَنْ يُؤْدَمَ بَيْنَكُمَا».

تخريج: [إسناده صحيح] أخرجه الترمذي، النكاح، باب ماجاء في النظر إلى المخطوبة، ح:١٠٨٧ من حديث عاصم بن سليمان الأحول به، وقال: "حسن"، وصححه البوصيري، وابن ماجه، ح:١٨٦٦، وهو في الكبرى، ح:٥٣٤٦.

Chapter 18. Getting Married In Shawwâl

(المعجم ١٨) - التَّزْوِيجُ فِي شَوَّالٍ (التحفة ١٨)

3238. It was narrated from

٣٢٣٨ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ:

حَدَّثَنَا يَحْيَى عَنْ سُفْيَانَ قَالَ: حَدَّثَنِي إِسْمَاعِيلُ بْنُ أُمَيَّةَ عَنْ عَبْدِ اللهِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللهِ ﷺ فِي شَوَّالٍ، وَأُدْخِلْتُ عَلَيْهِ فِي شَوَّالٍ، - وَكَانَتْ عَائِشَةُ تُحِبُّ أَنْ تُدْخِلَ نِسَاءَهَا فِي شَوَّالٍ - فَأَيُّ نِسَائِهِ كَانَتْ أَحْظَى عِنْدَهُ مِنِّي.

'Urwah, that 'Âishah said: "The Messenger of Allâh ﷺ married me in Shawwâl and my marriage was consummated in Shawwâl." – 'Âishah liked for her women's marriages to be consummated in Shawwâl – "and which of his wives was more beloved to him than me?" (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، النكاح، باب استحباب التزوج والتزويج في شوال واستحباب الدخول فيه، ح: ١٤٢٣ من حديث سفيان الثوري به.

Comments:

The literal meaning of the term *Shawwâl* is a bit ignominious. The Arabs, therefore, regarded this month ill-fated during the period of ignorance. Hence, why they used to regard the making of marriage contracts in this month as an evil omen, as some people nowadays do not consider marriage contracts permissible in the month of Muharram, which, according to them, is the month of mourning. But Islam does not entertain such superstitions.

Chapter 19. Proposal Of Marriage

(المعجم ١٩) - الخُطْبَةُ فِي النِّكَاحِ (التحفة ١٩)

٣٢٣٩ - أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ مُحَمَّدِ ابْنِ سَلَّامٍ قَالَ: حَدَّثَنِي عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ قَالَ: سَمِعْتُ أَبِي قَالَ: حَدَّثَنَا حُسَيْنٌ الْمُعَلِّمُ قَالَ: حَدَّثَنِي عَبْدُ اللهِ بْنُ بُرَيْدَةَ قَالَ: حَدَّثَنِي عَامِرُ بْنُ شَرَاحِيلَ الشَّعْبِيُّ أَنَّهُ سَمِعَ فَاطِمَةَ بِنْتَ قَيْسٍ - وَكَانَتْ مِنَ الْمُهَاجِرَاتِ الْأُوَلِ - [قَالَتْ]: خَطَبَنِي عَبْدُ الرَّحْمٰنِ بْنُ عَوْفٍ فِي نَفَرٍ مِنْ أَصْحَابِ مُحَمَّدٍ ﷺ، وَخَطَبَنِي رَسُولُ اللهِ ﷺ عَلَى مَوْلَاهُ أُسَامَةَ بْنِ زَيْدٍ، وَقَدْ كُنْتُ حُدِّثْتُ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ أَحَبَّنِي فَلْيُحِبَّ أُسَامَةَ» فَلَمَّا كَلَّمَنِي رَسُولُ اللهِ ﷺ قُلْتُ: أَمْرِي بِيَدِكَ فَأَنْكِحْنِي مَنْ شِئْتَ، فَقَالَ: «انْطَلِقِي إِلَى أُمِّ شَرِيكٍ» -

3239. 'Âmir bin Shuraḥbîl Ash-Sha'bî narrated that he heard Fâṭimah bint Qais – who was one of the first *Muhâjir* women – say: 'Abdur-Raḥmân bin 'Awf proposed marriage to me, along with others of the Companions of Muḥammad ﷺ. And the Messenger of Allâh ﷺ proposed that I marry his freed slave, Usâmah bin Zaid. I was told that the Messenger of Allâh ﷺ had said: 'Whoever loves me, let him love Usâmah.' When the Messenger of Allâh ﷺ spoke to me I said: 'My affairs are in your hands; marry me to whomever you wish.' He said: 'Go to Umm Sharîk.' Umm Sharîk was a rich Anṣârî woman who used to spend a great deal in the cause of Allâh,

and she always had a lot of guests. I said: 'I will do that.' He said: 'Do not do that, for Umm Sharîk has a lot of guests, and I would not like your *Khimâr* to fall off, or your shins to become uncovered, and the people see something of you that you do not want them to see. Rather go to your cousin (son of your paternal uncle) 'Abdullâh bin 'Amr bin Umm Maktûm, who is a man of Banu Fihr.' So I went to him." This is an abridged form of it. (*Sahîh*)

وَأُمُّ شَرِيكٍ امْرَأَةٌ غَنِيَّةٌ مِنَ الْأَنْصَارِ عَظِيمَةُ النَّفَقَةِ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ يَنْزِلُ عَلَيْهَا الضِّيفَانُ -. فَقُلْتُ: سَأَفْعَلُ قَالَ: «لَا تَفْعَلِي، فَإِنَّ أُمَّ شَرِيكٍ كَثِيرَةُ الضِّيفَانِ، فَإِنِّي أَكْرَهُ أَنْ يَسْقُطَ عَنْكِ خِمَارُكِ أَوْ يَنْكَشِفَ الثَّوْبُ عَنْ سَاقَيْكِ فَيَرَى الْقَوْمُ مِنْكِ بَعْضَ مَا تَكْرَهِينَ، وَلٰكِنِ انْتَقِلِي إِلَى ابْنِ عَمِّكِ عَبْدِ اللهِ بْنِ عَمْرِو بْنِ أُمِّ مَكْتُومٍ، وَهُوَ رَجُلٌ مِنْ بَنِي فِهْرٍ». فَانْتَقَلْتُ إِلَيْهِ. مُخْتَصَرٌ.

تخريج: أخرجه مسلم، الفتن، باب قصة الجساسة، ح:١١٩/٢٩٤٢ عن عبدالصمد به مطولاً، وهو في الكبرى، ح:٥٣٥٣ .

Comments:

To propose a marriage is not something blameworthy, nor should one get annoyed at it. How could one achieve something without one's asking? However, the proposal ought to be made to the woman's guardian.

Chapter 20. Prohibition Of Proposing Marriage To A Woman When Someone Else Has Already Proposed To Her

(المعجم ٢٠) - النَّهْيُ أَنْ يَخْطُبَ الرَّجُلُ عَلَى خِطْبَةِ أَخِيهِ (التحفة ٢٠)

3240. It was narrated from Ibn 'Umar that the Prophet ﷺ said: "None of you should propose marriage to a woman when someone else has already proposed to her." (*Sahîh*)

٣٢٤٠ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَخْطُبْ أَحَدُكُمْ عَلَى خِطْبَةِ بَعْضٍ».

تخريج: أخرجه مسلم، النكاح، باب تحريم الخطبة على خطبة أخيه حتى يأذن أو يترك، ح:١٤١٢ عن قتيبة به، وهو في الكبرى، ح:٥٣٥٤، وأخرجه البخاري، ح:٥١٤٢ من حديث نافع به.

Comments:

Proposal over proposal (making a proposal while that of another person is still being weighed) is repugnant to sincerity; it also reveals or unmasks jealousy and selfishness. But, if a proposal is turned down then there is no harm in it.

3241. It was narrated that Abû Hurairah said: "The Messenger of

٣٢٤١ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ وَسَعِيدُ ابْنُ عَبْدِ الرَّحْمٰنِ قَالَا: حَدَّثَنَا سُفْيَانُ عَنِ

Allâh ﷺ said: 'Do not artificially inflate prices, a resident should not sell for a Bedouin, a man should not offer more for something that has already been bought by his brother, no one should propose marriage to a woman when someone else has already proposed to her, and no woman should try to bring about the divorce of her sister, in order to deprive her of the blessings that she has.'" (*Ṣaḥîḥ*)

الزُّهْرِيِّ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: - وَقَالَ مُحَمَّدٌ: عَنِ النَّبِيِّ ﷺ: - «لَا تَنَاجَشُوا، وَلَا يَبِيعُ حَاضِرٌ لِبَادٍ، وَلَا يَبِيعُ الرَّجُلُ عَلَى بَيْعِ أَخِيهِ، وَلَا يَخْطُبُ عَلَى خِطْبَةِ أَخِيهِ، وَلَا تَسْأَلِ الْمَرْأَةُ طَلَاقَ أُخْتِهَا لِتَكْتَفِىءَ مَا فِي إِنَائِهَا».

تخريج: أخرجه البخاري، البيوع، باب: لا يبيع على بيع أخيه ولا يسوم ... إلخ، ح:٢١٤٠، ومسلم، النكاح، باب تحريم الخطبة على خطبة أخيه حتى يأذن أو يترك، ح:١٤١٣ من حديث سفيان بن عيينة به.

3242. It was narrated from Abû Hurairah that the Prophet ﷺ said: "None of you should propose marriage to a woman when someone else has already proposed to her." (*Ṣaḥîḥ*)

٣٢٤٢ - **أَخْبَرَنِي** هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ؛ ح وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَخْطُبْ أَحَدُكُمْ عَلَى خِطْبَةِ أَخِيهِ».

تخريج: **[إسناده صحيح]** أخرجه أحمد:٢/٤٦٢ من حديث مالك به، وهو في الموطأ (يحيى):٢/٥٢٣، والكبرى، ح:٥٣٥٥، وأخرجه البخاري، النكاح، باب: لا يخطب على خطبة أخيه حتى ... إلخ، ح:٥١٤٣ من حديث جعفر بن ربيعة عن الأعرج به مطولاً.

3243. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "None of you should propose marriage to a woman when someone else has already proposed to her, unless he marries (and he gives up the idea), or gives him permission." (*Ṣaḥîḥ*)

٣٢٤٣ - **أَخْبَرَنِي** يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَخْطُبْ أَحَدُكُمْ عَلَى خِطْبَةِ أَخِيهِ حَتَّى يَنْكِحَ أَوْ يَتْرُكَ».

تخريج: أخرجه مسلم، ح: ١٤١٣ من حديث ابن وهب به، انظر الحديث الآتي برقم: ٤٥٠٦.

Comments:

'Unless he marries': This signifies the other person should wait and watch. If the negotiations succeed and the marriage contract takes place, it is well and good. If the proposal aborts, then the other person may make the proposal.

3244. It was narrated from Abû Hurairah that the Prophet ﷺ said: "None of you should propose marriage to a woman when someone else has already proposed to her." (*Ṣaḥîḥ*)

٣٢٤٤ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا غُنْدَرٌ عَنْ هِشَامٍ، عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَخْطُبْ أَحَدُكُمْ عَلَى خِطْبَةِ أَخِيهِ».

تخريج: أخرجه مسلم، النكاح، باب تحريم الجمع بين المرأة وعمتها أو خالتها في النكاح، ح: ١٤٠٨/٣٨ من حديث هشام بن حسان به مطولاً، ويأتي طرفه، ح: ٣٢٩٧ ❊ محمد هو ابن سيرين.

Chapter 21. Proposing Marriage When The Other Suitor Gives Up The Idea Or Gives Permission

(المعجم ٢١) - خُطْبَةُ الرَّجُلِ إِذَا تَرَكَ الْخَاطِبُ أَوْ أَذِنَ لَهُ (التحفة ٢١)

3245. 'Abdullâh bin 'Amr used to say: "The Messenger of Allâh ﷺ forbade offering more for something that has already been bought by his brother, or for a man to propose marriage to a woman when someone else had already proposed to her, unless the previous suitor gave up the idea or gave him permission." (*Ṣaḥîḥ*)

٣٢٤٥ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ الْحَسَنِ قَالَ: حَدَّثَنَا الْحَجَّاجُ بْنُ مُحَمَّدٍ قَالَ: قَالَ ابْنُ جُرَيْجٍ: سَمِعْتُ نَافِعًا يُحَدِّثُ: أَنَّ عَبْدَ اللهِ بْنَ عُمَرَ كَانَ يَقُولُ: نَهَى رَسُولُ اللهِ ﷺ أَنْ يَبِيعَ بَعْضُكُمْ عَلَى بَيْعِ بَعْضٍ، وَلَا يَخْطُبُ الرَّجُلُ عَلَى خِطْبَةِ الرَّجُلِ حَتَّى يَتْرُكَ الْخَاطِبُ قَبْلَهُ أَوْ يَأْذَنَ لَهُ الْخَاطِبُ.

تخريج: أخرجه البخاري، النكاح، باب: لا يخطب على خطبة أخيه حتى ينكح أو يدع، ح: ٥١٤٢ من حديث ابن جريج به.

Comments:

If someone is negotiating a deal, it is not lawful for someone else to begin negotiations. The deal might have already been concluded.

3246. It was narrated from Muḥammad bin 'Abdur-Raḥmân bin Thawbân that they asked Fâṭimah bint Qais about her story

٣٢٤٦ - أَخْبَرَنِي حَاجِبُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا حَجَّاجٌ قَالَ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ عَنِ الزُّهْرِيِّ وَيَزِيدَ بْنِ عَبْدِاللهِ بْنِ

قُسَيْطٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمٰنِ وَعَنِ الْحَارِثِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ بْنِ ثَوْبَانَ: أَنَّهُمَا سَأَلَا فَاطِمَةَ بِنْتَ قَيْسٍ عَنْ أَمْرِهَا، فَقَالَتْ: طَلَّقَنِي زَوْجِي ثَلَاثًا فَكَانَ يَرْزُقُنِي طَعَامًا فِيهِ شَيْءٌ، فَقُلْتُ: وَاللّٰهِ! لَئِنْ كَانَتْ لِي النَّفَقَةُ وَالسُّكْنَى لَأَطْلُبَنَّهَا وَلَا أَقْبَلُ هٰذَا، فَقَالَ الْوَكِيلُ: لَيْسَ لَكِ سُكْنَى وَلَا نَفَقَةٌ، قَالَتْ: فَأَتَيْتُ النَّبِيَّ ﷺ فَذَكَرْتُ ذٰلِكَ لَهُ، فَقَالَ: «لَيْسَ لَكِ سُكْنَى وَلَا نَفَقَةٌ فَاعْتَدِّي عِنْدَ فُلَانَةَ» قَالَتْ: وَكَانَ يَأْتِيهَا أَصْحَابُهُ، ثُمَّ قَالَ: «اعْتَدِّي عِنْدَ ابْنِ أُمِّ مَكْتُومٍ فَإِنَّهُ أَعْمَى فَإِذَا حَلَلْتِ فَآذِنِينِي» قَالَتْ: فَلَمَّا حَلَلْتُ آذَنْتُهُ، فَقَالَ رَسُولُ اللّٰهِ ﷺ: «وَمَنْ خَطَبَكِ؟» فَقُلْتُ: مُعَاوِيَةُ وَرَجُلٌ آخَرُ مِنْ قُرَيْشٍ، فَقَالَ النَّبِيُّ ﷺ: «أَمَّا مُعَاوِيَةُ فَإِنَّهُ غُلَامٌ مِنْ غِلْمَانِ قُرَيْشٍ لَا شَيْءَ لَهُ، وَأَمَّا الْآخَرُ فَإِنَّهُ صَاحِبُ شَرٍّ لَا خَيْرَ فِيهِ، وَلٰكِنِ انْكِحِي أُسَامَةَ [بْنَ زَيْدٍ]» قَالَتْ: فَكَرِهْتُهُ، فَقَالَ لَهَا ذٰلِكَ ثَلَاثَ مَرَّاتٍ فَنَكَحَتْهُ.

and she said: "My husband divorced me three times, and he used to provide me with food that was not good." She said: "By Allâh, if I were entitled to maintenance and accommodation I would demand them and I would not accept this." The deputy said: "You are not entitled to accommodation or maintenance." She said: "I came to the Prophet ﷺ and told him about that, and he said: You are not entitled to accommodation nor maintenance; observe your *'Iddah* in the house of so-and-so.'' She said: 'His Companions used to go to her. Then he said: 'Observe your *'Iddah* in the house of Ibn Umm Maktûm, who is blind, and when your *'Iddah* is over, let me know."' She said: "When my *'Iddah* was over, I let him know. The Messenger of Allâh ﷺ said: 'Who has proposed marriage to you?' I said: 'Mu'âwiyah and another man from the Quraish.' He said: 'As for Mu'âwiyah, he is a boy among the Quraish and does not have anything, and as for the other he is a bad man with no goodness in him. Rather you should marry Usâmah bin Zaid."' She said: "I did not like the idea." But he said that to her three times so she married him. (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح:١٤٨٠/ ٤٠ من حديث الزهري عن أبي سلمة به، وهو في الكبرٰى، ح:٥٣٥١ .

Comments:

(Similar preceded earlier, see Nos. 3224, 3239)

In the preceding narrations, proposal over a proposal was forbidden. In this narration, Allâh's Messenger ﷺ made the proposal of marriage with Usama over the proposals of Mu'awaiyah and Jahm. In actuality, she had gone to the Prophet ﷺ to consult him. Allâh's Messenger ﷺ counseled her sincerely. As a matter of fact, her marriage with Usamah proved full of blessings.

Chapter 22. If A Woman Consults A Man Concerning The One Who Has Proposed Marriage To Her, Should He Tell Her Of What He Knows?

(المعجم ٢٢) - **بَابٌ: إِذَا اسْتَشَارَتِ الْمَرْأَةُ رَجُلًا فِيمَنْ يَخْطُبُهَا هَلْ يُخْبِرُهَا بِمَا يَعْلَمُ** (التحفة ٢٢)

3247. It was narrated from Fâṭimah bint Qais that Abû 'Amr bin Ḥafṣ issued a final divorce to her while he was absent. His deputy sent some barley to her but she did not like it. He said: "By Allâh, you have no rights over us." She went to the Messenger of Allâh ﷺ and told him about that, and he said: "You have no right to maintenance." He told her to observe her *'Iddah* in the house of Umm Sharîk, then he said: "She is a woman whose house is frequented by my Companions. Observe your *'Iddah* in the house of Ibn Umm Maktûm, for he is a blind man and you can take off your garment. And when your *'Iddah* is over, let me know." She said: "When my *'Iddah* was over I told him that Mu'âwiyah bin Abî Sufyân and Abû Jahm had proposed marriage to me. The Messenger of Allâh ﷺ said: 'As for Abû Jahm, his stick never leaves his shoulder,[1] and as for

٣٢٤٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لِمُحَمَّدٍ - عَنِ ابْنِ الْقَاسِمِ، عَنْ مَالِكٍ، عَنْ عَبْدِ اللهِ بْنِ يَزِيدَ، عَنْ أَبِي سَلَمَةَ ابْنِ عَبْدِ الرَّحْمٰنِ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ: أَنَّ أَبَا عَمْرِو بْنَ حَفْصٍ طَلَّقَهَا الْبَتَّةَ وَهُوَ غَائِبٌ، فَأَرْسَلَ إِلَيْهَا وَكِيلُهُ بِشَعِيرٍ فَسَخِطَتْهُ، فَقَالَ: وَاللهِ! مَا لَكِ عَلَيْنَا مِنْ شَيْءٍ، فَجَاءَتْ رَسُولَ اللهِ ﷺ فَذَكَرَتْ ذٰلِكَ لَهُ، فَقَالَ: «لَيْسَ لَكِ نَفَقَةٌ» فَأَمَرَهَا أَنْ تَعْتَدَّ فِي بَيْتِ أُمِّ شَرِيكٍ ثُمَّ قَالَ: «تِلْكَ امْرَأَةٌ يَغْشَاهَا أَصْحَابِي وَاعْتَدِّي عِنْدَ ابْنِ أُمِّ مَكْتُومٍ فَإِنَّهُ رَجُلٌ أَعْمَى تَضَعِينَ ثِيَابَكِ، فَإِذَا حَلَلْتِ فَآذِنِينِي» قَالَتْ: فَلَمَّا حَلَلْتُ ذَكَرْتُ لَهُ أَنَّ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ وَأَبَا جَهْمٍ خَطَبَانِي، فَقَالَ رَسُولُ اللهِ ﷺ: «أَمَّا أَبُو جَهْمٍ فَلَا يَضَعُ عَصَاهُ عَنْ عَاتِقِهِ، وَأَمَّا مُعَاوِيَةُ فَصُعْلُوكٌ لَا مَالَ لَهُ، وَلٰكِنِ

[1] This has been interpreted by the scholars as meaning that he traveled a great deal, or that he habitually beat his wives; a third suggestion, that he was a man of high sexual energy, is regarded as being farfetched.

Mu'âwiyah he is a poor man who has no wealth. Rather you should marry Usâmah bin Zaid.' I did not like the idea, then he said: 'Marry Usâmah bin Zaid.' So I married him and Allâh created a lot of good in him, and others felt jealous of my good fortune." (*Ṣaḥîḥ*)

انْكِحِي أُسَامَةَ بْنَ زَيْدٍ» فَكَرِهْتُهُ ثُمَّ قَالَ: «انْكِحِي أُسَامَةَ بْنَ زَيْدٍ» فَنَكَحْتُهُ فَجَعَلَ اللهُ [عَزَّ وَجَلَّ] فِيهِ خَيْرًا وَاغْتَبَطْتُ بِهِ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الموطأ (يحيى):٢/ ٥٨٠، ٥٨١، والكبرى، ح:٥٣٥٢.

Comments:

In the event of someone's seeking counsel, one may describe good and bad characteristics of the person concerned. This does not fall under slander or backbiting.

Chapter 23. If A Man Consults Another Man About A Woman, Should He Tell Him What He Knows?

(المعجم ٢٣) - إِذَا اسْتَشَارَ رَجُلٌ رَجُلًا فِي الْمَرْأَةِ هَلْ يُخْبِرُهُ بِمَا يَعْلَمُ (التحفة ٢٣)

3248. It was narrated that Abû Hurairah said: "A man of the Anṣâr came to the Messenger of Allâh ﷺ and said: 'I have married a woman.' He said: 'Did you look at her? For there is something in the eyes of the Anṣâr.'" (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: I found this *Ḥadîth* in another place, from Yazîd bin Kaisân, that Jâbir bin 'Abdullâh narrated it, and what is correct is Abû Hurairah.

٣٢٤٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ آدَمَ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ هَاشِمِ بْنِ الْبَرِيدِ عَنْ يَزِيدَ بْنِ كَيْسَانَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ مِنَ الْأَنْصَارِ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: إِنِّي تَزَوَّجْتُ امْرَأَةً، فَقَالَ النَّبِيُّ ﷺ: «أَلَا نَظَرْتَ إِلَيْهَا؟ فَإِنَّ فِي أَعْيُنِ الْأَنْصَارِ شَيْئًا».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: وَجَدْتُ هٰذَا الْحَدِيثَ فِي مَوْضِعٍ آخَرَ عَنْ يَزِيدَ بْنِ كَيْسَانَ أَنَّ جَابِرَ بْنَ عَبْدِ اللهِ حَدَّثَ، وَالصَّوَابُ أَبُو هُرَيْرَةَ.

تخريج: أخرجه مسلم، النكاح، باب ندب النظر إلى وجه المرأة وكفيها لمن يريد تزوجها، ح:١٤٢٤ من حديث يزيد بن كيسان به، وهو في الكبرى، ح:٥٣٤٨، ٥٣٤٩.

3249. It was narrated from Abû Hurairah that a man wanted to marry a woman and the Prophet ﷺ said: "Look at her, for there is

٣٢٤٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ يَزِيدَ بنِ كَيْسَانَ،

something in the eyes of the Anṣâr." (*Ṣaḥîḥ*)

عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا أَرَادَ أَنْ يَتَزَوَّجَ امْرَأَةً فَقَالَ النَّبِيُّ ﷺ: «انْظُرْ إِلَيْهَا، فَإِنَّ فِي أَعْيُنِ الْأَنْصَارِ شَيْئًا».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٥٣٤٧ .

Chapter 24. A Man Offering His Daughter In Marriage To Someone Whom He Likes

(المعجم ٢٤) - بَابُ عَرْضِ الرَّجُلِ ابْنَتَهُ عَلَى مَنْ يَرْضَى (التحفة ٢٤)

3250. It was narrated that 'Umar said: "Ḥafṣah bint 'Umar became single when (her husband) Khunais – meaning bin Ḥudhâfah – (died). He was one of the Companions of the Prophet ﷺ who had been present at Badr, and he died in Al-Madînah. I met 'Uthmân bin 'Affân and offered Ḥafṣah in marriage to him. I said: 'If you wish, I will marry you to Ḥafṣah.' He said: 'I will think about it.' A few days passed, then I met him and he said: 'I do not want to get married at the moment.'" 'Umar said: "Then I met Abû Bakr Aṣ-Ṣiddîq, may Allâh be pleased with him, and said: 'If you wish, I will marry Ḥafṣah to you.' He did not give me any answer, and I felt more upset with him than I had with 'Uthmân, may Allâh be pleased with him. Several days passed, then the Messenger of Allâh ﷺ proposed marriage to her, and I married her to him. Abû Bakr met me and said: 'Perhaps you felt upset with me when you offered Ḥafṣah in marriage to me and I did not give you any answer?'

٣٢٥٠ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: تَأَيَّمَتْ حَفْصَةُ بِنْتُ عُمَرَ مِنْ خُنَيْسٍ - يَعْنِي ابْنَ حُذَافَةَ - وَكَانَ مِنْ أَصْحَابِ النَّبِيِّ ﷺ مِمَّنْ شَهِدَ بَدْرًا، فَتُوُفِّيَ بِالْمَدِينَةِ، فَلَقِيتُ عُثْمَانَ بْنَ عَفَّانَ فَعَرَضْتُ عَلَيْهِ حَفْصَةَ فَقُلْتُ: إِنْ شِئْتَ أَنْكَحْتُكَ حَفْصَةَ، فَقَالَ: سَأَنْظُرُ فِي ذٰلِكَ فَلَبِثْتُ لَيَالِيَ فَلَقِيتُهُ فَقَالَ: مَا أُرِيدُ أَنْ أَتَزَوَّجَ يَوْمِي هٰذَا، قَالَ عُمَرُ: فَلَقِيتُ أَبَا بَكْرٍ الصِّدِّيقَ رَضِيَ اللهُ عَنْهُ فَقُلْتُ: إِنْ شِئْتَ أَنْكَحْتُكَ حَفْصَةَ فَلَمْ يَرْجِعْ إِلَيَّ شَيْئًا، فَكُنْتُ عَلَيْهِ أَوْجَدَ مِنِّي عَلَى عُثْمَانَ رَضِيَ اللهُ [عَنْهُ] فَلَبِثْتُ لَيَالِيَ، فَخَطَبَهَا إِلَيَّ رَسُولُ اللهِ ﷺ فَأَنْكَحْتُهَا إِيَّاهُ، فَلَقِيَنِي أَبُو بَكْرٍ فَقَالَ: لَعَلَّكَ وَجَدْتَ عَلَيَّ حِينَ عَرَضْتَ عَلَيَّ حَفْصَةَ فَلَمْ أَرْجِعْ إِلَيْكَ شَيْئًا، قُلْتُ: نَعَمْ، قَالَ: فَإِنَّهُ لَمْ يَمْنَعْنِي حِينَ عَرَضْتَ عَلَيَّ أَنْ أَرْجِعَ إِلَيْكَ شَيْئًا إِلَّا أَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَذْكُرُهَا، وَلَمْ أَكُنْ لِأُفْشِيَ سِرَّ رَسُولِ اللهِ ﷺ، وَلَوْ

I said: 'Yes.' He said: 'Nothing prevented me from giving you an answer when you made the offer to me except the fact that I had heard the Messenger of Allâh ﷺ speak of her, and I did not want to disclose the secret of the Messenger of Allâh ﷺ; if he had left her, then I would have married her.'" (*Sahîh*)

تَرَكَهَا نَكَحْتُهَا.

تخريج: أخرجه البخاري، النكاح، باب من قال: لا نكاح إلا بولي ... إلخ، ح:٥١٢٩ (المغازي، باب:١٢، ح:٤٠٠٥) من حديث معمر به، وهو في الكبرى، ح:٥٣٦٣ ❊ إسحاق هو ابن راهويه.

Comments:

Allâh's Messenger's ﷺ secret: in the event of responding, there was chance of letting out the secret. On the other hand, Allâh's Messenger ﷺ had not made any definite decision. He might possibly have changed his mind. In this situation, revelation of the secret could have become the cause of bad feelings between the two groups. Abû Bakr ﷺ, therefore, chose to remain silent. May Allâh be pleased with him and he with Him.

Chapter 25. A Woman Offering Herself In Marriage To One Whom She Likes

(المعجم ٢٥) - **بَابُ عَرْضِ الْمَرْأَةِ نَفْسَهَا عَلَى مَنْ تَرْضَى** (التحفة ٢٥)

3251. Thâbit Al-Bunânî said: "I was with Anas bin Mâlik and a daughter of his was with him. He said: 'A woman came to the Messenger of Allâh ﷺ and offered herself in marriage to him. She said: O Messenger of Allâh, do you want to marry me?" (*Sahîh*)

٣٢٥١ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنِي مَرْحُومُ بْنُ عَبْدِ الْعَزِيزِ الْعَطَّارُ أَبُو عَبْدِ الصَّمَدِ قَالَ: سَمِعْتُ ثَابِتًا الْبُنَانِيَّ يَقُولُ: كُنْتُ عِنْدَ أَنَسِ بْنِ مَالِكٍ وَعِنْدَهُ ابْنَةٌ لَهُ فَقَالَ: جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللهِ ﷺ فَعَرَضَتْ عَلَيْهِ نَفْسَهَا فَقَالَتْ: يَا رَسُولَ اللهِ! أَلَكَ فِيَّ حَاجَةٌ.

تخريج: أخرجه البخاري، النكاح، باب عرض المرأة نفسها على الرجل الصالح، ح:٥١٢٠ من حديث مرحوم به، وهو في الكبرى، ح:٥٣٦١.

Comments:

Earlier it has preceded that during the period of emigration (from Makkah to Al-Madinah), some women had no parental or original guardians. Therefore, they were compelled to talk about their marriage themselves. In such conditions, there is nothing blameworthy or objectionable.

3252. It was narrated from Anas that a woman offered herself in marriage to the Prophet ﷺ. The daughter of Anas laughed and said: "How little was her modesty." Anas said: "She was better than you; she offered herself in marriage to the Prophet ﷺ." (*Ṣaḥîḥ*)

٣٢٥٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مَرْحُومٌ قَالَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسٍ: أَنَّ امْرَأَةً عَرَضَتْ نَفْسَهَا عَلَى النَّبِيِّ ﷺ، فَضَحِكَتِ ابْنَةُ أَنَسٍ فَقَالَتْ: مَا كَانَ أَقَلَّ حَيَاءَهَا! فَقَالَ أَنَسٌ: هِيَ خَيْرٌ مِنْكِ عَرَضَتْ نَفْسَهَا عَلَى النَّبِيِّ ﷺ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح: ٥٣٦٢ .

Comments:

The daughter of Anas ﷺ had, perhaps, not reflected upon the afore-mentioned *Ḥadîth* (3251). Otherwise, making proposal for one's own marriage is not immodesty, especially with the Messenger of Allâh ﷺ; who was her legal and lawful guardian in accordance with the rule of the Divine law.

Chapter 26. A Woman Doing *Istikhârah* If She Receives A Proposal Of Marriage

(المعجم ٢٦) - **صَلَاةُ الْمَرْأَةِ إِذَا خُطِبَتْ وَاسْتِخَارَتُهَا رَبَّهَا** (التحفة ٢٦)

3253. It was narrated that Anas said: "When the *'Iddah* of Zainab was over, the Messenger of Allâh ﷺ said to Zaid: 'Propose marriage to her on my behalf.' Zaid went and said: O Zainab, rejoice, for the Messenger of Allâh ﷺ has sent me to you to propose marriage on his behalf.'" She said: 'I will not do anything until I consult my Lord.' She went to her prayer place and Qur'ân was revealed, then the Messenger of Allâh ﷺ came and entered upon her without any formalities." (*Ṣaḥîḥ*)

٣٢٥٣ - أَخْبَرَنَا سُوَيْدُ بْنُ نَصْرٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ الْمُغِيرَةِ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: لَمَّا انْقَضَتْ عِدَّةُ زَيْنَبَ قَالَ رَسُولُ اللهِ ﷺ لِزَيْدٍ: «اذْكُرْهَا عَلَيَّ» قَالَ زَيْدٌ: فَانْطَلَقْتُ فَقُلْتُ: يَا زَيْنَبُ! أَبْشِرِي أَرْسَلَنِي إِلَيْكِ رَسُولُ اللهِ ﷺ يَذْكُرُكِ، فَقَالَتْ: مَا أَنَا بِصَانِعَةٍ شَيْئًا حَتَّى أُؤَامِرَ رَبِّي، فَقَامَتْ إِلَى مَسْجِدِهَا وَنَزَلَ الْقُرْآنُ وَجَاءَ رَسُولُ اللهِ ﷺ - يَعْنِي - فَدَخَلَ بِغَيْرِ أَمْرٍ.

تخريج: أخرجه مسلم، النكاح، باب زواج زينب بنت جحش ونزول الحجاب وإثبات وليمة العرس، ح: ١٤٢٨ من حديث سليمان بن المغيرة به * عبدالله هو ابن المبارك.

Comments:

Zainab had already been married to Zaid bin Harithah, but it turned out to be discordant or disharmonious. Ultimately, it reached the point of divorce.

Zaid was the Prophet's ﷺ adopted son. Earlier, a Command had descended that an adopted son in reality is not a son. Allâh, Most High, Willed to promulgate this Command practically. Hence, Allâh, Most High, commanded the Messenger of Allâh ﷺ to take Zainab ﷺ in marriage if Zaid ﷺ divorces her, so that it might become practically evident that an adopted son is not one's son in actuality.

3254. Anas bin Mâlik said: Zainab bint Jahsh used to boast to the other wives of the Prophet ﷺ and say: "Allâh married me to him from above the Heavens." And the Verse of *Hijâb* was revealed concerning her. (*Sahîh*)

٣٢٥٤ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى الصُّوفِيُّ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ طَهْمَانَ أَبُو بَكْرٍ: سَمِعْتُ أَنَسَ بْنَ مَالِكٍ يَقُولُ: كَانَتْ زَيْنَبُ بِنْتُ جَحْشٍ تَفْخَرُ عَلَى نِسَاءِ النَّبِيِّ ﷺ تَقُولُ: إِنَّ اللهَ عَزَّ وَجَلَّ أَنْكَحَنِي مِنَ السَّمَاءِ، وَفِيهَا نَزَلَتْ آيَةُ الْحِجَابِ.

تخريج: أخرجه البخاري، التوحيد، باب: "وكان عرشه على الماء ... إلخ"، ح: ٧٤٢١ من حديث عيسى بن طهمان به،.

Comments:

The apparent wording of the Noble Qur'ân "*Zawwajnâkahâ*" corroborates that her marriage was not solemnized on the Earth. Rather, by these words of Allâh, Most High, the rite of marriage came to be concluded.

Chapter 27. How To Do *Istikhârah*

(المعجم ٢٧) - كَيْفَ الاِسْتِخَارَةُ (التحفة ٢٧)

3255. It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ used to teach his Companions to perform *Istikhârah* in all matters, just as he used to teach them *Sûrahs* from the Qur'ân. He said: 'If any one of you is deliberating about a decision he has to make, then let him pray two *Rak'ahs* of non-obligatory prayer, then say: *Allâhumma innî astakhîruka bi 'ilmika wa astaqdiruka bi qudratika wa as'aluka min fadlika, fa innaka taqdiru wa lâ aqdir, wa ta'lamu wa lâ a'lam, wa*

٣٢٥٥ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا ابْنُ أَبِي الْمَوَالِ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: كَانَ رَسُولُ اللهِ ﷺ يُعَلِّمُنَا الاسْتِخَارَةَ فِي الْأُمُورِ كُلِّهَا كَمَا يُعَلِّمُنَا السُّورَةَ مِنَ الْقُرْآنِ، يَقُولُ: «إِذَا هَمَّ أَحَدُكُمْ بِالْأَمْرِ فَلْيَرْكَعْ رَكْعَتَيْنِ مِنْ غَيْرِ الْفَرِيضَةِ ثُمَّ يَقُولُ: اللَّهُمَّ! إِنِّي أَسْتَخِيرُكَ بِعِلْمِكَ، وَأَسْتَعِينُكَ بِقُدْرَتِكَ، وَأَسْأَلُكَ مِنْ فَضْلِكَ الْعَظِيمِ، فَإِنَّكَ تَقْدِرُ وَلَا أَقْدِرُ، وَتَعْلَمُ وَلَا

anta 'allâm al-ghuyûb. Allâhumma in kunta ta'lamu anna hâdhal-amra khayrun lî fî dînî wa ma'âshî wa 'âqibati amrî (or: fî 'âjil amrî wa âjilihi) faqdurhu lî wa yassirhu lî thumma bârik lî fîhi. Allâhumma, wa in kunta ta'lamu annahu sharrun lî fî dînî wa ma'âshî wa 'âqibati amrî (or: fî 'âjili amrî wa âjilihi) faṣrifhu 'annî waṣrifnî 'anhu waqdur lî al-khayr ḥaythu kâna, thumma raḍinî bihi (O Allâh, I seek Your guidance (in making a choice) by virtue of Your knowledge, and I seek ability by virtue of Your power, and I ask You of Your great bounty. You have power, I have none. And You know, I know not. You are the Knower of hidden things. O Allâh, if in Your knowledge, this matter (then it should be mentioned by name) is good for me in my religion, my livelihood and my affairs (or: both in this world and in the Hereafter), then ordain it for me, make it easy for me, and bless it for me. And if in Your knowledge it is bad for me and for my religion, my livelihood and my affairs (or: for me both in this world and the next), then turn it away from me and turn me away from it, and ordain for me the good wherever it may be and make me pleased with it)." (*Ṣaḥîḥ*)

أَعْلَمُ، وَأَنْتَ عَلَّامُ الْغُيُوبِ، اللَّهُمَّ! إِنْ كُنْتَ تَعْلَمُ أَنَّ هٰذَا الأَمْرَ خَيْرٌ لِي فِي دِينِي وَمَعَاشِي وَعَاقِبَةِ أَمْرِي - أَوْ قَالَ: فِي عَاجِلِ أَمْرِي، وَآجِلِهِ - فَاقْدُرْهُ لِي، وَيَسِّرْهُ لِي، ثُمَّ بَارِكْ لِي فِيهِ، وَإِنْ كُنْتَ تَعْلَمُ أَنَّ هٰذَا الأَمْرَ شَرٌّ لِي فِي دِينِي وَمَعَاشِي وَعَاقِبَةِ أَمْرِي - أَوْ قَالَ: فِي عَاجِلِ أَمْرِي وَآجِلِهِ - فَاصْرِفْهُ عَنِّي وَاصْرِفْنِي عَنْهُ، وَاقْدُرْ لِي الْخَيْرَ حَيْثُ كَانَ، ثُمَّ أَرْضِنِي بِهِ، قَالَ: وَيُسَمِّي حَاجَتَهُ».

تخريج: أخرجه البخاري، التهجد، باب ماجاء في التطوع مثنٰى مثنٰى، ح:١١٦٢ عن قتيبة به
* ابن أبي الموال اسمه عبدالرحمٰن.

Comments:

Istikhârah means to supplicate Allâh, Most High, for good, and this is done in matter whose goodness or evil is not certain or which contains wavering or hesitation. Therefore, the *Istikhârah* cannot be done in any obligatory, *Sunnah*, or prohibited act. This is because the goodness of an obligatory duty,

or a *Sunnah* and the evil of a forbidden act, is explicitly clear, from the beginning.

Chapter 28. A Son Conducting The Marriage For His Mother

(المعجم ٢٨) - إِنْكَاحُ الابْنِ أُمَّهُ (التحفة ٢٨)

3256. It was narrated from Umm Salamah, that when her *'Iddah* had ended, Abû Bakr sent word to her proposing marriage to her, but she did not marry him. Then the Messenger of Allâh ﷺ sent 'Umar bin Al-Khaṭṭâb with a proposal of marriage. She said: "Tell the Messenger of Allâh ﷺ that I am a jealous woman and that I have sons, and none of my guardians are present." He went to the Messenger of Allâh ﷺ and told him that. He said: "Go back to her and tell her: As for your saying that you are a jealous woman, I will pray to Allâh for you to take away your jealousy. As for your saying that you have sons, your sons will be taken care of. And as for your saying that none of your guardians are present, none of your guardians, present or absent, would object to that." She said to her son: "O 'Umar, get up and perform the marriage to the Messenger of Allâh ﷺ, so he performed the marriage." An abridged form. (*Ḥasan*)

٣٢٥٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ ثَابِتٍ الْبُنَانِيِّ: حَدَّثَنِي ابْنُ عُمَرَ بْنِ أَبِي سَلَمَةَ عَنْ أَبِيهِ، عَنْ أُمِّ سَلَمَةَ: لَمَّا انْقَضَتْ عِدَّتُهَا بَعَثَ إِلَيْهَا أَبُو بَكْرٍ يَخْطُبُهَا عَلَيْهِ فَلَمْ تَزَوَّجْهُ، فَبَعَثَ إِلَيْهَا رَسُولُ اللهِ ﷺ عُمَرَ بْنَ الْخَطَّابِ يَخْطُبُهَا عَلَيْهِ فَقَالَتْ: أَخْبِرْ رَسُولَ اللهِ ﷺ أَنِّي امْرَأَةٌ غَيْرَى، وَأَنِّي امْرَأَةٌ مُصْبِيَةٌ، وَلَيْسَ أَحَدٌ مِنْ أَوْلِيَائِي شَاهِدٌ، فَأَتَى رَسُولَ اللهِ ﷺ فَذَكَرَ ذٰلِكَ لَهُ، فَقَالَ: «ارْجِعْ إِلَيْهَا فَقُلْ لَهَا: أَمَّا قَوْلُكِ إِنِّي امْرَأَةٌ غَيْرَى فَسَأَدْعُو اللهَ لَكِ فَيُذْهِبُ غَيْرَتَكِ، وَأَمَّا قَوْلُكِ إِنِّي امْرَأَةٌ مُصْبِيَةٌ فَسَتُكْفَيْنَ صِبْيَانَكِ، وَأَمَّا قَوْلُكِ أَنْ لَيْسَ أَحَدٌ مِنْ أَوْلِيَائِي شَاهِدٌ فَلَيْسَ أَحَدٌ مِنْ أَوْلِيَائِكِ شَاهِدٌ وَلَا غَائِبٌ يَكْرَهُ ذٰلِكَ» فَقَالَتْ لِابْنِهَا: يَا عُمَرُ! قُمْ فَزَوِّجْ رَسُولَ اللهِ ﷺ فَزَوَّجَهُ. مُخْتَصَرٌ.

تخريج: [إسناده حسن] أخرجه أحمد: ٦/ ٢٩٥، ٣١٧ عن يزيد بن هارون به، * ابن عمر بن أبي سلمة اسمه سعيد كما قال الحاكم، والذهبي، وقال بعض العلماء: محمد، وذكره ابن حبان في الثقات: ٥/ ٣٦٣، ووثقه الحاكم: ٤/ ١٦، ١٧، والذهبي، وله شاهد في صحيح مسلم، ح: ٩١٨ وغيره.

Comments:

1. 'When her *Iddah*' had ended': This woman of lofty rank was married to Abû Salamah, who was a Companion of the Prophet ﷺ, and had participated in the Battle of Badr. When he died, she became a widow.

2. "O 'Umar! get up and perform the marriage": 'Umar was the son of Umm Salamah.

Chapter 29. A Man Marrying Off His Young Daughter

(المعجم ٢٩) - إِنْكَاحُ الرَّجُلِ ابْنَتَهُ الصَّغِيرَةَ (التحفة ٢٩)

3257. It was narrated from 'Âishah that the Messenger of Allâh ﷺ married her when she was six years old, and consummated the marriage with her when she was nine. (*Saḥîḥ*)

٣٢٥٧ - أَخْبَرَنَا إِسحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخبَرَنَا أَبُو مُعَاوِيَةَ قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللهِ ﷺ تَزَوَّجَهَا وَهِيَ بِنْتُ سِتٍّ، وَبَنَى بِهَا وَهِيَ بِنْتُ تِسْعٍ.

تخريج: أخرجه البخاري، مناقب الأنصار، باب تزويج النبي ﷺ عائشة وقدومها المدينة وبنائه بها، ح:٣٨٩٤ وغيره، ومسلم، النكاح، باب جواز تزويج الأب البكر الصغيرة، ح:١٤٢٢/ ٧٠ من حديث هشام به، وهو في الكبرى، ح:٥٣٦٦، ورواه عبدالرحمن بن أبي الزناد المدني عن هشام به، (أحمد:٦/ ١١٨).

Comments:

There is absolutely no difference of opinion concerning contracting marriage of one's non-adult or minor daughter. The disagreement, however, exists in the matter whether the daughter has the right to retain the marriage or not, when she reaches puberty. But the girl has the right to dissolve her marriage when she attains puberty, if the marriage contract was made effective by a guardian other than her father. There is consensus over it.

3258. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ married me when I was seven years old, and he consummated the marriage with me when I was nine." (*Saḥîḥ*)

٣٢٥٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ النَّضْرِ بْنِ مُسَاوِرٍ قَالَ: حَدَّثَنَا جَعْفَرُ بْنُ سُلَيْمَانَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللهِ ﷺ لِسَبْعِ سِنِينَ، وَدَخَلَ عَلَيَّ لِتِسْعِ سِنِينَ.

تخريج: [صحيح] من حديث هشام به (انظر الحديث السابق)، وهو في الكبرى، ح:٥٣٦٧.

Comments:

There is no conflict between six and seven. She had attained the age of six years. The seventh year had commenced.

3259. It was narrated that Abû 'Ubaidah said: "Âishah said: 'The Messenger of Allâh ﷺ married me when I was nine and I lived with him for nine years.'" (*Saḥîḥ*)

٣٢٥٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا عَبْثَرٌ عَنْ مُطَرِّفٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي عُبَيْدَةَ قَالَ: قَالَتْ عَائِشَةُ: تَزَوَّجَنِي رَسُولُ اللهِ ﷺ لِتِسْعِ سِنِينَ، وَصَحِبْتُهُ تِسْعًا.

تخريج: [صحيح] وهو في الكبرى، ح:٥٣٦٩ * أبو إسحاق عنعن، وللحديث شواهد كثيرة، منها الحديث الآتي.

Comments:

Her bridal escort took place in the second year of *Hijrah* and the Prophet ﷺ lived in Al-Madinah for ten years. Then he passed away. In this narration; "Married me when I was nine" means "I began living with him when I was nine."

3260. It was narrated from 'Âishah that the Messenger of Allâh ﷺ married her when she was nine and he died when she was eighteen years old. (*Sahîh*)

٣٢٦٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ وَأَحْمَدُ ابْنُ حَرْبٍ قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ: تَزَوَّجَهَا رَسُولُ اللهِ ﷺ وَهِيَ بِنْتُ تِسْعٍ، وَمَاتَ عَنْهَا وَهِيَ بِنْتُ ثَمَانِيَ عَشْرَةَ.

تخريج: أخرجه مسلم، النكاح، باب جواز تزويج الأب البكر الصغيرة، ح:١٤٢٢/٧٢ من حديث أبي معاوية الضرير به، وهو في الكبرى، ح:٥٣٦٨.

Comments:

Some individuals, who ostensibly claim to be researchers, deny the aforementioned narrations concerning the age of 'Âishah ﷺ. These narrations are, however, authentic. It is the statement of 'Âishah ﷺ herself, which her various pupils have transmitted from her. A great majority of her pupils cannot make the same mistake.

Chapter 30. A Man Marrying Off His Grown Up Daughter

(المعجم ٣٠) - إِنْكَاحُ الرَّجُلِ ابْنَتَهُ الْكَبِيرَةَ (التحفة ٣٠)

3261. 'Umar bin Al-Khattâb, may Allâh be pleased with him, narrated: "Hafsah bint 'Umar became single when (her husband) Khunais bin Hudhâfah As-Sahmî (died). He was one of the Companions of the Prophet ﷺ, and he died in Al-Madînah." 'Umar said: "I went to 'Uthmân bin 'Affân and offered Hafsah in marriage to him. I said: 'If you wish, I will marry you to Hafsah bint 'Umar.' He said: 'I will think about it.' A few days passed, then I met him and he said: 'It seems that

٣٢٦١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ قَالَ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللهِ أَنَّهُ سَمِعَ عَبْدَ اللهِ بْنَ عُمَرَ يُحَدِّثُ أَنَّ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللهُ عَنْهُ حَدَّثَنَا قَالَ: - يَعْنِي - تَأَيَّمَتْ حَفْصَةُ بِنْتُ عُمَرَ مِنْ خُنَيْسِ بْنِ حُذَافَةَ السَّهْمِيِّ - وَكَانَ مِنْ أَصْحَابِ رَسُولِ اللهِ ﷺ فَتُوُفِّيَ بِالْمَدِينَةِ - قَالَ عُمَرُ: فَأَتَيْتُ عُثْمَانَ بْنَ عَفَّانَ فَعَرَضْتُ عَلَيْهِ حَفْصَةَ بِنْتَ

عُمَرَ، قَالَ: قُلْتُ إِنْ شِئْتَ أَنْكَحْتُكَ حَفْصَةَ، قَالَ: سَأَنْظُرُ فِي أَمْرِي، فَلَبِثْتُ لَيَالِيَ، ثُمَّ لَقِيَنِي فَقَالَ: قَدْ بَدَا لِي أَنْ لَا أَتَزَوَّجَ يَوْمِي هٰذَا، قَالَ عُمَرُ: فَلَقِيتُ أَبَا بَكْرٍ الصِّدِّيقَ رَضِيَ اللهُ عَنْهُ فَقُلْتُ: إِنْ شِئْتَ زَوَّجْتُكَ حَفْصَةَ بِنْتَ عُمَرَ، فَصَمَتَ أَبُو بَكْرٍ فَلَمْ يَرْجِعْ إِلَيَّ شَيْئًا، فَكُنْتُ عَلَيْهِ أَوْجَدَ مِنِّي عَلَى عُثْمَانَ، فَلَبِثْتُ لَيَالِيَ ثُمَّ خَطَبَهَا رَسُولُ اللهِ ﷺ فَأَنْكَحْتُهَا إِيَّاهُ، فَلَقِيَنِي أَبُو بَكْرٍ فَقَالَ: لَعَلَّكَ وَجَدْتَ عَلَيَّ حِينَ عَرَضْتَ عَلَيَّ حَفْصَةَ فَلَمْ أَرْجِعْ إِلَيْكَ شَيْئًا قَالَ عُمَرُ: قُلْتُ: نَعَمْ، قَالَ: فَإِنَّهُ لَمْ يَمْنَعْنِي أَنْ أَرْجِعَ إِلَيْكَ شَيْئًا فِيمَا عَرَضْتَ عَلَيَّ إِلَّا أَنِّي قَدْ كُنْتُ عَلِمْتُ أَنَّ رَسُولَ اللهِ ﷺ قَدْ ذَكَرَهَا، وَلَمْ أَكُنْ لِأُفْشِيَ سِرَّ رَسُولِ اللهِ ﷺ، وَلَوْ تَرَكَهَا رَسُولُ اللهِ ﷺ قَبِلْتُهَا.

تخريج: [صحيح] تقدم، ح: ٣٢٥٠، وهو في الكبرىٰ، ح: ٥٣٦٤.

I do not want to get married at the moment.'" 'Umar said: "Then I met Abû Bakr Aṣ-Ṣiddîq, may Allâh be pleased with him, and said: 'If you wish, I will marry Ḥafṣah bint 'Umar to you.' Abû Bakr remained silent, and did not give me any answer, and I felt more upset with him than I had with 'Uthmân. Several days passed, then the Messenger of Allâh ﷺ proposed marriage to her and I married her to him. Abû Bakr met me and said: 'Perhaps you felt upset with me when you offered Ḥafṣah in marriage to me, and I did not give you any answer?' I said: 'Yes.' He said: 'Nothing prevented me from giving you an answer when you made the offer to me, except the fact that I had heard the Messenger of Allâh ﷺ speak of her, and I did not want to disclose the secret of the Messenger of Allâh ﷺ. If he had left her, then I would have married her.'" (*Ṣaḥîḥ*)

Comments:

We learn from this narration that the marriage of a widow would also be contracted by her guardian. She would not do it herself.

Chapter 31. Asking A Virgin For Permission With Regard To Marriage

(المعجم ٣١) - اسْتِئْذَانُ الْبِكْرِ فِي نَفْسِهَا (التحفة ٣١)

٣٢٦٢ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ عَبْدِ اللهِ بْنِ الْفَضْلِ، عَنْ نَافِعِ بْنِ جُبَيْرِ ابْنِ مُطْعِمٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْأَيِّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا، وَالْبِكْرُ تُسْتَأْذَنُ فِي نَفْسِهَا، وَإِذْنُهَا صُمَاتُهَا».

3262. It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ said: "A previously married woman has more right to decide about herself (with regard to marriage) than her guardian, and a virgin should be asked for permission with regard to marriage,

and her permission is her silence."
(*Ṣaḥîḥ*)

تخريج:أخرجه مسلم، النكاح، باب استئذان الثيب في النكاح بالنطق والبكر بالسكوت، ح:١٤٢١/٦٧ عن قتيبة به، وهو في الموطأ (يحيى):٢/ ٥٢٤،٥٢٥، والكبرٰى، ح:٥٣٧١ .

Comments:

Though the consent of the guardian is a prerequisite for the woman, the consent of the woman herself is equally essential.

3263. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "A previously married woman has more right to decide about herself (with regard to marriage) than her guardian, and an orphan girl should be consulted, and her permission is her silence." (*Ṣaḥîḥ*)

٣٢٦٣ - أَخْبَرَنَا مَحْمُودُ بْنُ غَيْلَانَ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ مَالِكِ ابْنِ أَنَسٍ قَالَ: سَمِعْتُهُ مِنْهُ بَعْدَ مَوْتِ نَافِعٍ بِسَنَةٍ وَلَهُ يَوْمَئِذٍ حَلْقَةٌ قَالَ: أَخْبَرَنِي عَبْدُ اللهِ ابْنُ الْفَضْلِ عَنْ نَافِعِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «الْأَيِّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا، وَالْيَتِيمَةُ تُسْتَأْمَرُ، وَإِذْنُهَا صُمَاتُهَا».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٥٣٧٢.

3264. It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ said: "A previously married woman has more right (to decide) about herself (with regard to marriage) than her guardian, and an orphan girl should be consulted with regard to marriage, and her permission is her silence." (*Ṣaḥîḥ*)

٣٢٦٤ - أَخْبَرَنِي أَحْمَدُ بْنُ سَعِيدٍ الرِّبَاطِيُّ قَالَ: حَدَّثَنَا يَعْقُوبُ قَالَ: حَدَّثَنِي أَبِي عَنِ ابْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي صَالِحُ بْنُ كَيْسَانَ عَنْ عَبْدِ اللهِ بْنِ الْفَضْلِ بنِ عَبَّاسِ بْنِ رَبِيعَةَ، عَنْ نَافِعِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْأَيِّمُ أَوْلَى بِأَمْرِهَا، وَالْيَتِيمَةُ تُسْتَأْمَرُ فِي نَفْسِهَا، وَإِذْنُهَا صُمَاتُهَا».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٥٣٧٣.

3265. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "The guardian has no right (to force) the previously married woman (into a marriage). And an orphan girl should be consulted, and her silence is her approval." (*Ṣaḥîḥ*)

٣٢٦٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنْ صَالِحِ بْنِ كَيْسَانَ، عَنْ نَافِعِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَيْسَ لِلْوَلِيِّ مَعَ الثَّيِّبِ أَمْرٌ، وَالْيَتِيمَةُ تُسْتَأْمَرُ فَصَمْتُهَا إِقْرَارُهَا».

تخريج: [صحيح] تقدم، ح:٣٢٦٢، وهو في الكبرى، ح:٥٣٧٤، وأخرجه أبو داود، ح:٢١٠٠ من حديث عبدالرزاق به.

Comments:

'The guardian has no right': The wording of this report explicitly corroborates the requisite of the guardian. The guardian, however, has no right to create any obstacle. He should rather give precedence to the opinion of the woman.

Chapter 32. Father Seeking The Consent Of A Virgin With Regard To Marriage

(المعجم ٣٢) - اسْتِئْمَارُ الأَبِ الْبِكْرَ فِي نَفْسِهَا (التحفة ٣٢)

3266. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "A previously married woman has more right (to decide) about herself (with regard to marriage), and a virgin should be consulted by her father, and her permission is her silence." (*Sahîh*)

٣٢٦٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ زِيَادِ بْنِ سَعْدٍ، عَنْ عَبْدِ اللهِ ابْنِ الْفَضْلِ، عَنْ نَافِعِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «الثَّيِّبُ أَحَقُّ بِنَفْسِهَا، وَالْبِكْرُ يَسْتَأْمِرُهَا أَبُوهَا، وَإِذْنُهَا صُمَاتُهَا».

تخريج: [صحيح] تقدم، ح:٣٢٦٢، وهو في الكبرى، ح:٥٣٧٥، وأخرجه مسلم، ح:١٤٢١/٦٧ من حديث سفيان بن عيينة به نحوه.

Chapter 33. Seeking The Consent Of A Previously Married Woman With Regard To Marriage

(المعجم ٣٣) - اسْتِئْمَارُ الثَّيِّبِ فِي نَفْسِهَا (التحفة ٣٣)

3267. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A previously married woman should not be married until her permission has been sought, and a virgin should not be married until her consent is sought." They said: "O Messenger of Allâh ﷺ, how does she give permission?" He said: "Her permission is if she keeps silent." (*Sahîh*)

٣٢٦٧ - أَخْبَرَنَا يَحْيَى بْنُ دُرُسْتَ قَالَ: حَدَّثَنَا أَبُو إِسْمَاعِيلَ قَالَ: حَدَّثَنَا يَحْيَى أَنَّ أَبَا سَلَمَةَ حَدَّثَهُ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تُنْكَحُ الثَّيِّبُ حَتَّى تُسْتَأْذَنَ، وَلَا تُنْكَحُ الْبِكْرُ حَتَّى تُسْتَأْمَرَ» قَالُوا: يَا رَسُولَ اللهِ! كَيْفَ إِذْنُهَا؟ قَالَ: «إِذْنُهَا أَنْ تَسْكُتَ».

تخريج: [إسناده صحيح] وهو في الكبرى، ح:٥٣٧٨، وهو متفق عليه كما سيأتي، ح:٣٢٦٩.

Chapter 34. The Permission Of A Virgin

(المعجم ٣٤) - إِذْنُ الْبِكْرِ (التحفة ٣٤)

3268. It was narrated from 'Âishah that the Prophet ﷺ said: "Seek the permission of women with regard to marriage." It was said: "What if a virgin is too shy and remains silent?" He said: "That is her permission." (*Ṣaḥîḥ*)

٣٢٦٨ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنِ ابْنِ جُرَيْجٍ قَالَ: سَمِعْتُ ابْنَ أَبِي مُلَيْكَةَ يُحَدِّثُ عَنْ ذَكْوَانَ أَبِي عَمْرٍو عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «اسْتَأْمِرُوا النِّسَاءَ فِي أَبْضَاعِهِنَّ» قِيلَ: فَإِنَّ الْبِكْرَ تَسْتَحْيِي وَتَسْكُتُ، قَالَ: «هُوَ إِذْنُهَا».

تخريج: أخرجه البخاري، الحيل، باب: في النكاح، ح: ٦٩٧١، ومسلم، النكاح، باب استئذان الثيب في النكاح بالنطق والبكر بالسكوت، ح: ١٤٢٠ من حديث ابن جريج به، وهو في الكبرٰى، ح: ٥٣٧٦.

Comments:

Since Islam is an instinctively natural religion, the rights of women have been given due consideration in it. It prohibits a woman's marriage without her consent. Islam gave women these rights at a time when, previously, women were considered like pet animals; rather they were tied, untied, and sold like animals.

3269. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: "A previously married woman should not be married until her consent has been sought, and a virgin should not be married until her permission has been sought." They said: "O Messenger of Allâh, what is her permission?" He said: "If she remains silent." (*Ṣaḥîḥ*)

٣٢٦٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ - وَهُوَ ابْنُ الْحَارِثِ - قَالَ: حَدَّثَنَا هِشَامٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنِي أَبُو هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تُنْكَحُ الْأَيِّمُ حَتَّى تُسْتَأْمَرَ، وَلَا تُنْكَحُ الْبِكْرُ حَتَّى تُسْتَأْذَنَ» قَالُوا: يَا رَسُولَ اللهِ! كَيْفَ إِذْنُهَا؟ قَالَ: «أَنْ تَسْكُتَ».

تخريج: أخرجه مسلم، ح: ١٤١٩ (انظر الحديث السابق) من حديث خالد بن الحارث، والبخاري، النكاح، باب: لا ينكح الأب وغيره البكر والثيب إلا برضاهما، ح: ٥١٣٦ من حديث هشام الدستوائي به، وهو في الكبرٰى، ح: ٥٣٧٧ .

Chapter 35. Father Marrying Off A Previously Married Woman When She Is Unwilling

(المعجم ٣٥) - **الثَّيِّبِ يُزَوِّجُهَا أَبُوهَا وَهِيَ كَارِهَةٌ** (التحفة ٣٥)

3270. It was narrated from Khansâ' bint Khidhâm that her father married her off when she had been previously married, and she was unwilling. She went to the Messenger of Allâh ﷺ and he annulled the marriage. (*Sahîh*)

٣٢٧٠ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ عَبْدِ الرَّحْمٰنِ ابْنِ الْقَاسِمِ: وَأَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ بْنُ الْقَاسِمِ عَنْ مَالِكٍ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمٰنِ بْنُ الْقَاسِمِ عَنْ أَبِيهِ، عَنْ عَبْدِ الرَّحْمٰنِ وَمُجَمِّعٍ ابْنَيْ يَزِيدَ بْنِ جَارِيَةَ الْأَنْصَارِيِّ، عَنْ خَنْسَاءَ بِنْتِ خِذَامٍ: أَنَّ أَبَاهَا زَوَّجَهَا وَهِيَ ثَيِّبٌ فَكَرِهَتْ ذٰلِكَ، فَأَتَتْ رَسُولَ اللهِ ﷺ فَرَدَّ نِكَاحَهُ.

تخريج: أخرجه البخاري، النكاح، باب: إذا زوج الرجل ابنته وهي كارهة فنكاحه مردود، ح:٥١٣٨، ٥١٣٩ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٥٣٥، والكبرٰى، ح: ٥٣٨٠ .

Comments:

It was astonishing in that period of time, that a marriage by a father was annulled because a girl did not like it.

Chapter 36. Father Marrying Off A Virgin When She Is Unwilling

(المعجم ٣٦) - **الْبِكْرُ يُزَوِّجُهَا أَبُوهَا وَهِيَ كَارِهَةٌ** (التحفة ٣٦)

3271. It was narrated from 'Âishah: "A girl came to her and said: 'My father married me to his brother's son so that he might raise his own status thereby, and I was unwilling.' She said: 'Sit here until the Prophet ﷺ comes.' Then the Messenger of Allâh ﷺ came, and I told him (what she had said). He sent word to her father, calling him, and he left the matter up to her. She said: 'O Messenger of Allâh, I accept what my father did, but I wanted to know whether

٣٢٧١ - أَخْبَرَنَا زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ غُرَابٍ قَالَ: حَدَّثَنَا كَهْمَسُ ابْنُ الْحَسَنِ عَنْ عَبْدِ اللهِ بْنِ بُرَيْدَةَ، عَنْ عَائِشَةَ: أَنَّ فَتَاةً دَخَلَتْ عَلَيْهَا فَقَالَتْ: إِنَّ أَبِي زَوَّجَنِي ابْنَ أَخِيهِ لِيَرْفَعَ بِي خَسِيسَتَهُ وَأَنَا كَارِهَةٌ، فَقَالَتْ: اجْلِسِي حَتَّى يَأْتِيَ النَّبِيُّ ﷺ، فَجَاءَ رَسُولُ اللهِ ﷺ فَأَخْبَرَتْهُ فَأَرْسَلَ إِلَى أَبِيهَا فَدَعَاهُ، فَجَعَلَ الْأَمْرَ إِلَيْهَا فَقَالَتْ: يَا رَسُولَ اللهِ! قَدْ أَجَزْتُ مَا صَنَعَ أَبِي، وَلَكِنْ

women have any say in the matter.'" (*Ṣaḥîḥ*)

أَرَدْتُ أَنْ أَعْلَمَ أَلِلنِّسَاءِ مِنَ الْأَمْرِ شَيْءٌ.

تخريج: [إسناده صحيح] أخرجه أحمد:٦/١٣٦ من طريق آخر عن كهمس به، وهو في الكبرٰى، ح:٥٣٩٠.

Comments:

1. This narration clearly indicates that a father may not commit the marriage of a virgin without her consent. If he does so and the girl is not prepared, the marriage may be annulled.
2. 'I accept what my father did.' This demonstrates that the girl was prudent and virtuous.

3272. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'An orphan girl should be consulted with regard to marriage, and if she remains silent, that is her permission. If she refuses then she is not to be forced.'" (*Ḥasan*)

٣٢٧٢ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «تُسْتَأْمَرُ الْيَتِيمَةُ فِي نَفْسِهَا، فَإِنْ سَكَتَتْ فَهُوَ إِذْنُهَا، فَإِنْ أَبَتْ فَلَا جَوَازَ عَلَيْهَا».

تخريج: [إسناده حسن] أخرجه أبو داود، النكاح، باب: في الاستيمار، ح:٢٠٩٣، والترمذي، النكاح، باب ماجاء في إكراه اليتيمة على التزويج، ح:١١٠٩ من حديث محمد بن عمرو به، وهو في الكبرٰى، ح:٥٣٨١، وقال الترمذي: "حسن"، وصححه ابن حبان، ح:١٢٣٩، ١٢٤٠.

Chapter 37. The Concession Allowing A *Muḥrim* To Marry

(المعجم ٣٧) - الرُّخْصَةُ فِي نِكَاحِ الْمُحْرِمِ (التحفة ٣٧)

3273 It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ married Maimûnah bint Al-Ḥârith when he was a *Muḥrim*. According to the *Ḥadîth* of Ya'la (one of the narrators): "In Sarif." (*Ṣaḥîḥ*)

٣٢٧٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ عَنْ مُحَمَّدِ بْنِ سَوَاءٍ قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ وَيَعْلَى بْنِ حَكِيمٍ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: تَزَوَّجَ رَسُولُ اللهِ ﷺ مَيْمُونَةَ بِنْتَ الْحَارِثِ وَهُوَ مُحْرِمٌ. وَفِي حَدِيثِ يَعْلَى: بِسَرِفَ.

تخريج: [صحيح] أخرجه أحمد:١/٣٣٦ من حديث سعيد بن أبي عروبة به، وتابعه عبدالوهاب، والحديث في الكبرٰى، ح:٥٤١٠، وهو متواتر عن ابن عباس رضي الله عنهما.

3274. It was narrated from Abû Ash-Sha'thâ' that Ibn 'Abbâs told him: "The Prophet ﷺ married Maimûnah when he was a *Muḥrim*." (*Ṣaḥîḥ*)

٣٢٧٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو، عَنْ أَبِي الشَّعْثَاءِ: أَنَّ ابْنَ عَبَّاسٍ أَخْبَرَهُ: أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ.

تخريج: [صحيح] تقدم، ح:٢٨٤٠،٢٨٤١، وهو في الكبرٰى، ح:٥٤٠٧، وأخرجه البخاري، ح:٥١١٤ من حديث سفيان بن عيينة به.

3275. It was narrated from Ibn 'Abbâs that the Prophet ﷺ married Maimûnah when he was a *Muḥrim*, and she appointed Al-'Abbâs in charge of her marriage, and he married her to him. (*Ṣaḥîḥ*)

٣٢٧٥ - أَخْبَرَنَا عُثْمَانُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ الْحَجَّاجِ قَالَ: حَدَّثَنَا وُهَيْبٌ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ نَكَحَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ، جَعَلَتْ أَمْرَهَا إِلَى الْعَبَّاسِ فَأَنْكَحَهَا إِيَّاهُ.

تخريج: [إسناده صحيح] وهو في الكبرٰى، ح:٥٣٩٣، وللحديث طرق كثيرة جدًا.

3276. It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ married Maimûnah when he was a *Muḥrim*. (*Ṣaḥîḥ*)

٣٢٧٦ - أَخْبَرَنَا أَحْمَدُ بْنُ نَصْرٍ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ - وَهُوَ ابْنُ مُوسَى - عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللهِ ﷺ تَزَوَّجَ مَيْمُونَةَ وَهُوَ مُحْرِمٌ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٥٤٠٦، والصواب أنه صلى الله عليه وسلم تزوجها وهو حلال والمراد بالمحرم. داخل الحرم. لا أنه كان محرمًا بإحرام الحج.

Comments:

See Nos. 2840, 2845.

Chapter 38. Prohibition Of Marriage For The *Muḥrim*

(المعجم ٣٨) - **النَّهْيُ عَنْ نِكَاحِ الْمُحْرِمِ** (التحفة ٣٨)

3277. 'Uthmân bin 'Affân, may Allâh be pleased with him, said: "The Messenger of Allâh ﷺ said: 'The *Muḥrim* should not get married, or arrange a marriage for someone else, or propose marriage.'" (*Ṣaḥîḥ*)

٣٢٧٧ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ نَافِعٍ، عَنْ نُبَيْهِ بْنِ

وَهْبٍ: أَنَّ أَبَانَ بْنَ عُثْمَانَ قَالَ: سَمِعْتُ عُثْمَانَ بْنَ عَفَّانَ رَضِيَ اللهُ عَنْهُ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَنْكِحُ الْمُحْرِمُ وَلَا يُنْكِحُ وَلَا يَخْطُبُ».

تخريج: [صحيح] تقدم، ح:٢٨٤٥، وهو في الكبرى، ح:٥٤١٣.

3278. 'Uthmân bin 'Affân, may Allâh be pleased with him, narrated that the Prophet ﷺ said: "The *Muhrim* should not get married, arrange a marriage for someone else, nor propose marriage." (***Sahîh***)

٣٢٧٨ - حَدَّثَنَا أَبُو الْأَشْعَثِ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زُرَيْعٍ - قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ مَطَرٍ وَيَعْلَى بْنِ حَكِيمٍ، عَنْ نُبَيْهِ بْنِ وَهْبٍ، عَنْ أَبَانَ بْنِ عُثْمَانَ: أَنَّ عُثْمَانَ بْنَ عَفَّانَ رَضِيَ اللهُ عَنْهُ حَدَّثَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «لَا يَنْكِحُ الْمُحْرِمُ وَلَا يُنْكِحُ وَلَا يَخْطُبُ».

تخريج: [صحيح] تقدم، ح:٢٨٤٥، وهو في الكبرى، ح:٥٤١٤.

Chapter 39. What Is Recommended To Say On The Occasion Of Marriage

(المعجم ٣٩) - مَا يُسْتَحَبُّ مِنَ الْكَلَامِ عِنْدَ النِّكَاحِ (التحفة ٣٩)

3279. It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ taught us the *Tashahhud* for *Salâh* and the *Tashahhud* upon *Al-Hâjah*.[1] He said: 'The *Tashahhud* upon the occasion of marriage is: *Alhamdu lillâhi nasta'înahu wa nastaghfiruhu, wa na'ûdhu billâhi min shurûrî anfusinâ, man yahdih Illâhu falâ mudilla lahu wa man yudlil Illâhu falâ hâdiya lahu, wa ashhadu an lâ ilâha illallâh, wa ashhadu anna Muhammadan 'abduhu wa rasûluhu*

٣٢٧٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا عَبْثَرٌ عَنِ الْأَعْمَشِ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي الْأَحْوَصِ، عَنْ عَبْدِ اللهِ قَالَ: عَلَّمَنَا رَسُولُ اللهِ ﷺ التَّشَهُّدَ فِي الصَّلَاةِ والتَّشَهُّدَ فِي الْحَاجَةِ، قَالَ: «التَّشَهُّدُ فِي الْحَاجَةِ: أَنِ الْحَمْدُ لِلَّهِ نَسْتَعِينُهُ وَنَسْتَغْفِرُهُ وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا، مَنْ يَهْدِهِ اللهُ فَلَا مُضِلَّ لَهُ، وَمَنْ يُضْلِلِ اللهُ فَلَا هَادِيَ لَهُ، وَأَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ،

[1] This refers to occassions of marriage, during trade agreements, at the commencement of speeches, among others.

وَيَقْرَأُ ثَلَاثَ آيَاتٍ».

(Praise be to Allâh, we seek His help and His forgiveness. We seek refuge with Allâh from the evil of our own souls. Whomsoever Allâh guides will never be led astray, and whomsoever Allâh leaves astray, no one can guide. I bear witness that there is none worthy of worship but Allâh, and I bear witness that Muḥammad is His slave and Messenger).' Then he recited three Verses." (*Ḍa'îf*)

تخريج: [**إسناده ضعيف**] أخرجه أبو داود، النكاح، باب: في خطبة النكاح، ح:٢١١٨ من حديث أبي إسحاق به، وعنعن (وانظر، ح:٩٦)، وصححه الترمذي، ح:١١٠٥ وغيره، وله طريق آخر منقطع.

٣٢٨٠ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنِ أَبِي زَائِدَةَ عَنْ دَاوُدَ، عَنْ عَمْرِو بْنِ سَعِيدٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا كَلَّمَ النَّبِيَّ ﷺ فِي شَيْءٍ فَقَالَ النَّبِيُّ ﷺ: «إِنَّ الْحَمْدَ لِلّٰهِ نَحْمَدُهُ وَنَسْتَعِينُهُ، مَنْ يَهْدِهِ اللّٰهُ فَلَا مُضِلَّ لَهُ، وَمَنْ يُضْلِلِ اللّٰهُ فَلَا هَادِيَ لَهُ، وَأَشْهَدُ أَنْ لَا إِلٰهَ إِلَّا اللّٰهُ [وَحْدَهُ لَا شَرِيكَ لَهُ] وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ، أَمَّا بَعْدُ».

3280. It was narrated from Ibn 'Abbâs that a man spoke to the Prophet ﷺ about something and the Prophet ﷺ said: "*Innal-ḥamda lillâhi nahmaduhu wa nasta'înahu, man yahdih Illâhu falâ muḍilla lahu wa man yuḍlil Illâhu falâ hâdiya lahu, wa ashhadu an lâ ilâha illallâhu (waḥdahu lâsharîka lahu) wa ashhadu anna Muḥammadan 'abduhu wa rasûluhu. Ammâ ba'd* (Praise be to Allâh, we seek His help. Whomsoever Allâh guides will never be led astray, and whomsoever Allâh leaves astray, no one can guide. I bear witness that there is none worthy of worship but Allâh (alone with no partners) and I bear witness that Muḥammad is His slave and Messenger. To proceed)." (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، الجمعة، باب تخفيف الصلوة والخطبة، ح:٨٦٨ من حديث داود بن أبي هند به.

Chapter 40. What Is Disliked In The *Khutbah*

(المعجم ٤٠) - مَا يُكْرَهُ مِنَ الْخُطْبَةِ (التحفة ٤٠)

3281. It was narrated that 'Adiyy bin Hâtim said: "Two men recited a *Tashahhud* before the Prophet ﷺ and one of them said: 'Whoever obeys Allâh and His Messenger has been guided aright and whoever disobeys them has gone astray.' The Messenger of Allâh ﷺ said: 'What a bad speaker you are!'" (*Sahîh*)

٣٢٨١ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ الْعَزِيزِ، عَنْ تَمِيمِ بْنِ طَرَفَةَ، عَنْ عَدِيِّ ابْنِ حَاتِمٍ قَالَ: تَشَهَّدَ رَجُلَانِ عِنْدَ النَّبِيِّ ﷺ فَقَالَ أَحَدُهُمَا: مَنْ يُطِعِ اللهَ وَرَسُولَهُ فَقَدْ رَشَدَ، وَمَنْ يَعْصِهِمَا فَقَدْ غَوَى، فَقَالَ رَسُولُ اللهِ ﷺ: «بِئْسَ الْخَطِيبُ أَنْتَ».

تخريج: أخرجه مسلم، ح:٨٧٠، (انظر الحديث السابق) من حديث سفيان الثوري به * عبدالرحمٰن هو ابن مهدي، وعبدالعزيز هو ابن رفيع.

Comments:

"What a bad speaker you are:" The Prophet's ﷺ rebuke was because the man mentioned Allâh, Most High, and His Messenger ﷺ in one pronoun (*Ya'sihimâ*), "disobeys", which creates the notion that Allâh and His Messenger ﷺ are equivalent in rank, while there is absolutely no comparison between the Creator and the created. As for the Messenger ﷺ saying "them" in reference to himself and Allâh, this can only be said by him. This is because in such cases he is not saying 'us' but speaking about himself in the third person. And this is not the case if others say "them" regarding Allâh and His Messenger ﷺ

Chapter 41. The Words By Which The Marriage Tie Is Completed

(المعجم ٤١) - بَابُ الْكَلَامِ الَّذِي يَنْعَقِدُ بِهِ النِّكَاحُ (التحفة ٤١)

3282. Sahl bin Sa'd said: "I was among the people with the Prophet ﷺ when a woman stood up and said: 'O Messenger of Allâh, she has offered herself in marriage to you, so see what you think of her.' He remained silent and the Prophet ﷺ did not give any answer. Then she stood up (again) and said: 'O Messenger of Allâh, she has offered herself in marriage to you, so see what you think of

٣٢٨٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ عَنْ سُفْيَانَ قَالَ: سَمِعْتُ أَبَا حَازِمٍ يَقُولُ: سَمِعْتُ سَهْلَ بْنَ سَعْدٍ يَقُولُ: إِنِّي لَفِي الْقَوْمِ عِنْدَ النَّبِيِّ ﷺ فَقَامَتِ امْرَأَةٌ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّهَا قَدْ وَهَبَتْ نَفْسَهَا لَكَ فَرَأْ فِيهَا رَأْيَكَ، فَسَكَتَ فَلَمْ يُجِبْهَا النَّبِيُّ ﷺ بِشَيْءٍ، ثُمَّ قَامَتْ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّهَا قَدْ وَهَبَتْ نَفْسَهَا لَكَ فَرَأْ فِيهَا رَأْيَكَ، فَقَامَ رَجُلٌ

her.' A man stood up and said: 'Marry her to me, O Messenger of Allâh!' He said: 'Do you have anything?' He said: 'No.' He said: 'Go and look, even if it is just an iron ring.' So he went and looked then he came and said: 'I could not find anything, not even an iron ring.' He said: 'Have you memorized anything of the Qur'ân?' He said: 'Yes, *Sûrah* such-and-such and *Sûrah* such-and-such.' He said: 'I marry you to her on the basis of what you have memorized of the Qur'ân.'" (*Ṣaḥîḥ*)

فَقَالَ: زَوِّجْنِيهَا يَا رَسُولَ اللهِ! قَالَ: «هَلْ مَعَكَ شَيْءٌ؟» قَالَ: لَا، قَالَ: «فَاذْهَبْ فَاطْلُبْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ» فَذَهَبَ فَطَلَبَ ثُمَّ جَاءَ فَقَالَ: لَمْ أَجِدْ شَيْئًا وَلَا خَاتَمًا مِنْ حَدِيدٍ، قَالَ: «هَلْ مَعَكَ مِنَ الْقُرْآنِ شَيْءٌ؟» قَالَ: نَعَمْ مَعِي سُورَةُ كَذَا وَسُورَةُ كَذَا، قَالَ: «[قَدْ] أَنْكَحْتُكَهَا عَلَى مَا مَعَكَ مِنَ الْقُرْآنِ».

تخريج: [صحيح] تقدم، ح:٣٢٠٢.

Chapter 42. Conditions In Marriage

(المعجم ٤٢) - الشُّرُوطُ فِي النِّكَاحِ

(التحفة ٤٢)

3283. It was narrated from 'Utbah bin 'Âmir that the Messenger of Allâh ﷺ said: "The conditions that are most deserving of fulfillment, are those by means of which the private parts become allowed to you." (*Ṣaḥîḥ*)

٣٢٨٣ - أَخْبَرَنَا عِيسَى بْنُ حَمَّادٍ قَالَ: أَخْبَرَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ، عَنْ رَسُولِ اللهِ ﷺ قَالَ: «إِنَّ أَحَقَّ الشُّرُوطِ أَنْ يُوَفَّى بِهِ مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوجَ».

تخريج: أخرجه البخاري، الشروط، باب الشروط في المهر عند عقدة النكاح، ح:٢٧٢١ من حديث الليث بن سعد، ومسلم، النكاح، باب الوفاء بالشروط في النكاح، ح:١٤١٨ من حديث يزيد بن أبي حبيب به.

Comments:

From the outward wording, it is understood that the conditions stipulated at the time of contracting a marriage must be fulfilled.

3284. It was narrated from 'Utbah bin 'Âmir that the Messenger of Allâh ﷺ said: "The conditions that are most deserving of fulfillment are those by means of which the private parts become permitted to you." (*Ṣaḥîḥ*)

٣٢٨٤ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ تَمِيمٍ قَالَ: سَمِعْتُ حَجَّاجًا يَقُولُ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي سَعِيدُ بْنُ أَبِي أَيُّوبَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ: أَنَّ أَبَا الْخَيْرِ حَدَّثَهُ عَنْ عُقْبَةَ بْنِ عَامِرٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ أَحَقَّ الشُّرُوطِ أَنْ يُوَفَّى

بِهِ مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوجَ».

تخريج: [صحيح] انظر الحديث السابق.

Chapter 43. The Type Of Marriage After Which, A Thrice-Divorced Woman May Return To Her First Husband

(المعجم ٤٣) - النِّكَاحُ الَّذِي تَحِلُّ بِهِ الْمُطَلَّقَةُ ثَلَاثًا لِمُطَلِّقِهَا (التحفة ٤٣)

3285. It was narrated that 'Âishah said: "The wife of Rifâ'ah came to the Messenger of Allâh ﷺ and said: 'Rifâ'ah divorced me and made it irrevocable. Then I married 'Abdur-Rahmân bin Az-Zubair, and what he has is like the fringe of a garment.' The Messenger of Allâh ﷺ smiled and said: 'Do you want to go back to Rifâ'ah? No, not until he ('Abdur-Rahmân) tastes your sweetness and you taste his sweetness.'" (*Sahîh*)

٣٢٨٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتِ امْرَأَةُ رِفَاعَةَ إِلَى رَسُولِ اللهِ ﷺ فَقَالَتْ: إِنَّ رِفَاعَةَ طَلَّقَنِي فَأَبَتَّ طَلَاقِي، وَإِنِّي تَزَوَّجْتُ بَعْدَهُ عَبْدَ الرَّحْمٰنِ بْنَ الزَّبِيرِ وَمَا مَعَهُ إِلَّا مِثْلُ هُدْبَةِ الثَّوْبِ، فَضَحِكَ رَسُولُ اللهِ ﷺ وَقَالَ: «لَعَلَّكِ تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى يَذُوقَ عُسَيْلَتَكِ وَتَذُوقِي عُسَيْلَتَهُ».

تخريج: أخرجه البخاري، الشهادات، باب شهادة المختبيء، ح:٢٦٣٩، ومسلم، النكاح، باب: لا تحل المطلقة ثلاثًا لمطلقها حتى تنكح زوجًا غيره ويطأها ... إلخ، ح:١٤٣٣ من حديث سفيان بن عيينة به،.

Comments:

'Like the fringe of a garment': This alludes to the lack of his virility.

Chapter 44. A Stepdaughter Who Is In One's Care Is Forbidden For Marriage

(المعجم ٤٤) - تَحْرِيمُ الرَّبِيبَةِ الَّتِي فِي حِجْرِهِ (التحفة ٤٤)

3286. 'Urwah narrated that Zainab bint Abî Salamah – whose mother was Umm Salamah, the wife of the Prophet ﷺ – told him that Umm Habîbah bint Abî Sufyân told her that she said: "O Messenger of Allâh, marry my sister, the daughter of Abû Sufyân." She said: "The Messenger of Allâh ﷺ said: 'Would you like that?' I said: 'Yes;

٣٢٨٦ - أَخْبَرَنَا عِمْرَانُ بْنُ بَكَّارٍ قَالَ: حَدَّثَنَا أَبُو الْيَمَانِ قَالَ: حَدَّثَنَا شُعَيْبٌ قَالَ: أَخْبَرَنِي الزُّهْرِيُّ قَالَ: أَخْبَرَنِي عُرْوَةُ أَنَّ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ - وَأُمُّهَا أُمُّ سَلَمَةَ زَوْجُ النَّبِيِّ ﷺ - أَخْبَرَتْهُ أَنَّ أُمَّ حَبِيبَةَ بِنْتَ أَبِي سُفْيَانَ أَخْبَرَتْهَا: أَنَّهَا قَالَتْ: يَا رَسُولَ اللهِ! أَنْكِحْ

I do not have you all to myself and I would like to share this goodness with my sister.' The Prophet ﷺ said: 'Your sister is not permissible for me (to marry).' I said: 'By Allâh, O Messenger of Allâh ﷺ, *we have been saying that you want* to marry Durrah bint Abî Salamah.' He said: 'The daughter of Umm Salamah?' I said: 'Yes.' He said: 'By Allâh, even if she were not my stepdaughter who is in my care, she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding. Thuwaibah breastfed Abû Salamah and I. So do not offer your daughters or sisters to me in marriage.'" (*Ṣaḥîḥ*)

أُخْتِي بِنْتَ أَبِي سُفْيَانَ قَالَتْ: فَقَالَ رَسُولُ اللهِ ﷺ: «أَوَ تُحِبِّينَ ذٰلِكِ؟» فَقُلْتُ: نَعَمْ، لَسْتُ لَكَ بِمُخْلِيَةٍ، وَأَحَبُّ مَنْ يُشَارِكُنِي فِي خَيْرٍ أُخْتِي، فَقَالَ النَّبِيُّ ﷺ: «إِنَّ أُخْتَكِ لَا تَحِلُّ لِي» فَقُلْتُ: وَاللّٰهِ! يَا رَسُولَ اللهِ! إِنَّا لَنَتَحَدَّثُ أَنَّكَ تُرِيدُ أَنْ تَنْكِحَ دُرَّةَ بِنْتَ أَبِي سَلَمَةَ، فَقَالَ: «بِنْتُ أُمِّ سَلَمَةَ؟» فَقُلْتُ: نَعَمْ، فَقَالَ: «وَاللّٰهِ! لَوْلَا أَنَّهَا رَبِيبَتِي فِي حِجْرِي مَا حَلَّتْ لِي، إِنَّهَا لَابْنَةُ أَخِي مِنَ الرَّضَاعَةِ أَرْضَعَتْنِي وَأَبَا سَلَمَةَ ثُوَيْبَةُ، فَلَا تَعْرِضْنَ عَلَيَّ بَنَاتِكُنَّ وَلَا أَخَوَاتِكُنَّ».

تخريج: أخرجه البخاري، النكاح، باب: ﴿وأمهاتكم اللاتي أرضعنكم﴾، ح:٥١٠١ عن أبي اليمان حكم بن نافع به، ومسلم، الرضاع، باب تحريم الربيبة وأخت المرأة، ح:١٤٤٩/١٦ من حديث الزهري به، وهو في الكبرٰى، ح:٥٤١٧.

Chapter 45. The Prohibition Of Being Married To Both A Mother And Daughter

(المعجم ٤٥) - تَحْرِيمُ الْجَمْعِ بَيْنَ الْأُمِّ وَالْبِنْتِ (التحفة ٤٥)

3287. It was narrated from Zainab bint Abî Salamah that Umm Ḥabîbah, the wife of the Prophet ﷺ said: "O Messenger of Allâh, marry the daughter of my father" – meaning her sister. The Messenger of Allâh ﷺ said: "Would you like that?" She said: "Yes; I do not have you all to myself, and I would like to share this goodness with my sister." The Prophet ﷺ said: "That is not permissible for me." Umm Ḥabîbah said: "O Messenger of

٣٢٨٧ - أَخْبَرَنَا وَهْبُ بْنُ بَيَانٍ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ أَنَّ عُرْوَةَ بْنَ الزُّبَيْرِ حَدَّثَهُ عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ: أَنَّ أُمَّ حَبِيبَةَ زَوْجَ النَّبِيِّ ﷺ قَالَتْ: يَا رَسُولَ اللهِ! أَنْكِحْ بِنْتَ أَبِي - تَعْنِي أُخْتَهَا -، فَقَالَ رَسُولُ اللهِ ﷺ: «وَتُحِبِّينَ ذٰلِكِ؟» قَالَتْ: نَعَمْ، لَسْتُ لَكَ بِمُخْلِيَةٍ، وَأَحَبُّ مَنْ يَشْرَكُنِي فِي خَيْرٍ أُخْتِي، فَقَالَ

Allâh ﷺ, by Allâh, we have been saying that you want to marry Durrah bint Abî Salamah." He said: "The daughter of Umm Salamah?" I said: "Yes." He said: "By Allâh, even if she were not my stepdaughter who is in my care, she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding. Thuwaibah breast-fed Abû Salamah and I. So do not offer your daughters or sisters to me in marriage." (*Ṣaḥîḥ*)

رَسُولُ اللهِ ﷺ: «إِنَّ ذٰلِكَ لَا يَحِلُّ» قَالَتْ أُمُّ حَبِيبَةَ: يَا رَسُولَ اللهِ! وَاللّٰهِ! لَقَدْ تَحَدَّثْنَا أَنَّكَ تَنْكِحُ دُرَّةَ بِنْتَ أَبِي سَلَمَةَ، فَقَالَ: «بِنْتُ أُمِّ سَلَمَةَ؟» قَالَتْ أُمُّ حَبِيبَةَ: نَعَمْ، قَالَ رَسُولُ اللهِ ﷺ: «فَوَاللّٰهِ! لَوْ أَنَّهَا لَمْ تَكُنْ رَبِيبَتِي فِي حِجْرِي مَا حَلَّتْ، إِنَّهَا لَابْنَةُ أَخِي مِنَ الرَّضَاعَةِ أَرْضَعَتْنِي وَأَبَا سَلَمَةَ ثُوَيْبَةُ، فَلَا تَعْرِضْنَ عَلَيَّ بَنَاتِكُنَّ وَلَا أَخَوَاتِكُنَّ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٥٤١٥.

Comments:

The purpose of the chapter is to demonstrate that it is forbidden to marry one's wife's daughter. It transpires from the outward phrasing of the chapter that it is forbidden to unite them both in marriage. Even if the wife dies, marriage with her daughter is forbidden. Likewise, contracting marriage with the wife's mother is not permissible in any circumstance, whether the wife is alive or dead.

3288. It was narrated from 'Irâk bin Mâlik that Zainab bint Abî Salamah told him, that Umm Ḥabîbah said to the Messenger of Allâh ﷺ: "We have been saying that you want to marry Durrah bint Abî Salamah." The Messenger of Allâh ﷺ said: "As a co-wife to Umm Salamah? Even if I were not married to Umm Salamah, she would not be permissible to me, for her father is my brother through breast-feeding." (*Ṣaḥîḥ*)

٣٢٨٨ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عِرَاكِ بْنِ مَالِكٍ: أَنَّ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ أَخْبَرَتْهُ: أَنَّ أُمَّ حَبِيبَةَ قَالَتْ لِرَسُولِ اللهِ ﷺ: إِنَّا قَدْ تَحَدَّثْنَا أَنَّكَ نَاكِحٌ دُرَّةَ بِنْتَ أَبِي سَلَمَةَ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَعَلَى أُمِّ سَلَمَةَ؟ لَوْ أَنِّي لَمْ أَنْكِحْ أُمَّ سَلَمَةَ مَا حَلَّتْ لِي، إِنَّ أَبَاهَا أَخِي مِنَ الرَّضَاعَةِ».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٥٤١٩.

Chapter 46. The Prohibition Of Being Married To Two Sisters

(المعجم ٤٦) - تَحْرِيمُ الْجَمْعِ بَيْنَ الْأُخْتَيْنِ (التحفة ٤٦)

3289. It was narrated from Umm Ḥabîbah that she said: "O Messenger

٣٢٨٩ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنْ

of Allâh, what do you think of my sister?" He said: "What for?" She said: "For marriage." He said: "Would you like that?" She said: "Yes; I do not have you all to myself, and I would like to share this goodness with my sister." He said: "She is not permissible for me (to marry)." She said: "But I heard that you want to marry Durrah, the daughter of Umm Salamah." He said: "The daughter of Abû Salamah?" She said: "Yes." He said: "By Allâh, even if she were not my stepdaughter she would not be permissible for me (to marry), because she is the daughter of my brother through breast-feeding. Do not offer your daughters and sisters to me in marriage." (*Ṣaḥîḥ*)

عَبْدَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، عَنْ أُمِّ حَبِيبَةَ أَنَّهَا قَالَتْ: يَا رَسُولَ اللهِ! هَلْ لَكَ فِي أُخْتِي؟ قَالَ: «فَأَصْنَعُ مَاذَا؟» قَالَتْ: تَزَوَّجْهَا، قَالَ: «فَإِنَّ ذٰلِكِ أَحَبُّ إِلَيْكِ؟» قَالَتْ: نَعَمْ، لَسْتُ لَكَ بِمُخْلِيَةٍ، وَأَحَبُّ مَنْ يَشْرَكُنِي فِي خَيْرٍ أُخْتِي، قَالَ: «إِنَّهَا لَا تَحِلُّ لِي» قَالَتْ: فَإِنَّهُ قَدْ بَلَغَنِي أَنَّكَ تَخْطُبُ دُرَّةَ بِنْتَ أُمِّ سَلَمَةَ، قَالَ: «بِنْتُ أَبِي سَلَمَةَ؟» قَالَتْ: نَعَمْ، قَالَ: «وَاللهِ! لَوْ لَمْ تَكُنْ رَبِيبَتِي مَا حَلَّتْ لِي، إِنَّهَا لَابْنَةُ أَخِي مِنَ الرَّضَاعَةِ، فَلَا تَعْرِضْنَ عَلَيَّ بَنَاتِكُنَّ وَلَا أَخَوَاتِكُنَّ».

تخريج: [صحيح] تقدم، ح:٣٢٨٦، وهو في الكبرٰى، ح:٥٤١٨ .

Comments:

It is forbidden to contract marriage with two sisters simultaneously, although one after the divorce of the other is permitted. That means, if one of them dies or is divorced, then it is permitted to marry the other sister.

Chapter 47. Being Married To A Woman And Her Paternal Aunt At The Same Time

(المعجم ٤٧) - الْجَمْعُ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا (التحفة ٤٧)

3290. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: '(A man should not be married to) a woman and her paternal aunt nor to a woman and her maternal aunt at the same time.'" (*Ṣaḥîḥ*)

٣٢٩٠ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يُجْمَعُ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا وَلَا بَيْنَ الْمَرْأَةِ وَخَالَتِهَا».

تخريج: أخرجه البخاري، النكاح، باب: لا تنكح المرأة علٰى عمتها، ح:٥١٠٩، ومسلم، النكاح، باب تحريم الجمع بين المرأة وعمتها أو خالتها في النكاح، ح:١٤٠٨ من حديث مالك به، وهو في الموطأ (يحيى): ٢/٥٣٢، والكبرٰى، ح:٥٤٢٠ .

Comments:

A niece (brother's daughter), paternal aunt, niece (sister's daughter), and

maternal aunt are very close relations. It is unlawful to turn such close relations into co-wives, while these relations demand utmost love, affection, and sincerity.

3291. Qabîṣah bin Dhu'aib said that he heard Abû Hurairah say: "The Messenger of Allâh ﷺ forbade (being married to) a woman and her paternal aunt or to a woman and her maternal aunt at the same time." (*Ṣaḥîḥ*)

٣٢٩١ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَعْقُوبَ بْنِ عَبْدِ الْوَهَّابِ بْنِ يَحْيَى بْنِ عَبَّادِ بْنِ عَبْدِ اللهِ ابْنِ الزُّبَيْرِ بْنِ الْعَوَّامِ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ فُلَيْحٍ عَنْ يُونُسَ: قَالَ ابْنُ شِهَابٍ: أَخْبَرَنِي قَبِيصَةُ بْنُ ذُؤَيْبٍ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: نَهَى رَسُولُ اللهِ ﷺ أَنْ يُجْمَعَ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا وَالْمَرْأَةِ وَخَالَتِهَا.

تخريج: أخرجه البخاري، النكاح، باب: لا تنكح المرأة علٰى عمتها، ح:٥١١٠، ومسلم، النكاح، باب تحريم الجمع بين المرأة وعمتها أو خالتها في النكاح، ح:١٤٠٨ من حديث يونس ابن يزيد به، وهو في الكبرٰى، ح:٥٤٢١.

3292. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade being married to a woman and her paternal aunt or maternal aunt at the same time. (*Ṣaḥîḥ*)

٣٢٩٢ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ أَنَّ جَعْفَرَ بْنَ رَبِيعَةَ حَدَّثَهُ عَنْ عِرَاكِ بْنِ مَالِكٍ وَعَبْدِ الرَّحْمٰنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللهِ ﷺ: أَنَّهُ نَهَى أَنْ تُنْكَحَ الْمَرْأَةُ عَلَى عَمَّتِهَا أَوْ خَالَتِهَا.

تخريج: أخرجه مسلم، ح:١٤٠٨/ ٣٤ (انظر الحديث السابق) من حديث عراك به، وهو في الكبرٰى، ح:٥٤٢٢.

3293. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade being married to four kinds of women at the same time: a woman and her paternal aunt or a woman and her maternal aunt. (*Ṣaḥîḥ*)

٣٢٩٣ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عِرَاكِ بْنِ مَالِكٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ أَرْبَعِ نِسْوَةٍ يُجْمَعُ بَيْنَهُنَّ: الْمَرْأَةِ وَعَمَّتِهَا، وَالْمَرْأَةِ وَخَالَتِهَا.

تخريج: أخرجه مسلم، ح:١٤٠٨/ ٣٤ من حديث الليث بن سعد به، (انظر الحديث السابق) وهو في الكبرٰى، ح:٥٤٢٣ .

Comments:

'Four women': The outward wording could cause a grave misunderstanding, because contracting marriage with two of them simultaneously is forbidden.

The detail has preceded earlier. But because it has two forms, they are jointly called four.

3294. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt." (*Ṣaḥîḥ*)

٣٢٩٤ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا اللَّيْثُ قَالَ: أَخْبَرَنِي أَيُّوبُ بْنُ مُوسَى عَنْ بُكَيْرِ بْنِ عَبْدِ اللهِ بْنِ الْأَشَجِّ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قَالَ: «لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا وَلَا عَلَى خَالَتِهَا».

تخريج: [إسناده صحيح] وهو في الكبرٰى، ح:٥٤٢٨.

3295. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or her maternal aunt." (*Ṣaḥîḥ*)

٣٢٩٥ - أَخْبَرَنَا مُجَاهِدُ بْنُ مُوسَى قَالَ: حَدَّثَنَا ابْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللهِ ﷺ أَنْ تُنْكَحَ الْمَرْأَةُ عَلَى عَمَّتِهَا أَوْ عَلَى خَالَتِهَا.

تخريج: أخرجه مسلم، ح:١٤٠٨/٤٠ من حديث عمرو بن دينار به، انظر الحديث المتقدم: ٣٢٩١.

3296. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt." (*Ṣaḥîḥ*)

٣٢٩٦ - أَخْبَرَنَا يَحْيَى بْنُ دُرُسْتَ قَالَ: حَدَّثَنَا أَبُو إِسْمَاعِيلَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ أَنَّ أَبَا سَلَمَةَ حَدَّثَهُ عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قَالَ: «لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا وَلَا عَلَى خَالَتِهَا».

تخريج: أخرجه مسلم، ح:١٤٠٨/٣٧ من حديث يحيى بن أبي كثير به، (انظر الحديث السابق) وهو في الكبرٰى، ح:٥٤٢٤ * أبو إسماعيل هو إبراهيم بن عبدالملك القناد.

Chapter 48. The Prohibition Of Being Married To A Woman And Her Maternal Aunt At The Same Time

(المعجم ٤٨) - تَحْرِيمُ الجَمْعِ بَيْنَ الْمَرْأَةِ وَخَالَتِهَا (التحفة ٤٨)

3297. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt." (*Ṣaḥîḥ*)

٣٢٩٧ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا هِشَامٌ قَالَ: حَدَّثَنَا مُحَمَّدٌ عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا وَلَا عَلَى خَالَتِهَا».

تخريج: [**إسناده صحيح**] وهو في الكبرٰى، ح:٥٤٢٥، وتقدم طرفه، ح:٣٢٤٤ * هشام هو ابن حسان، ومحمد هو ابن سيرين، ويحيى هو القطان.

3298. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or her maternal aunt." (*Ṣaḥîḥ*)

٣٢٩٨ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا الْمُعْتَمِرُ عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، عَنِ الشَّعْبِيِّ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللهِ ﷺ أَنْ تُنْكَحَ الْمَرْأَةُ عَلَى عَمَّتِهَا وَالْعَمَّةُ عَلَى بِنْتِ أَخِيهَا.

تخريج: [**إسناده صحيح**] أخرجه أبو داود، النكاح، باب ما يكره أن يجمع بينهن من النساء، ح:٢٠٦٥ من حديث داود بن أبي هند به، وعلقه البخاري، النكاح، باب: "لا تنكح المرأة على عمتها"، ح:٥١٠٨.

Comments:

It is forbidden to contract marriage with a paternal aunt and her niece (brother's daughter) simultaneously; irrespective of the fact whether the paternal aunt was first committed to marriage or the niece (brother's daughter). The ruling concerning the maternal aunt and her niece (sister's daughter) is the same.

3299. 'Âṣim said: "I read a book to Ash-Sha'bî in which it was narrated from Jâbir that the Prophet ﷺ said: 'A woman should not be taken as a co-wife to her paternal aunt or her maternal aunt.' He said: 'I heard that from Jâbir.'" (*Ṣaḥîḥ*)

٣٢٩٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي عَاصِمٌ قَالَ: قَرَأْتُ عَلَى الشَّعْبِيِّ كِتَابًا فِيهِ عَنْ جَابِرٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا وَلَا عَلَى خَالَتِهَا» قَالَ: سَمِعْتُ هٰذَا مِنْ جَابِرٍ.

تخريج: [صحيح] انظر الحديث الآتي.

3300. Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or maternal aunt." (*Ṣaḥîḥ*)

٣٣٠٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ آدَمَ عَنِ ابْنِ الْمُبَارَكِ، عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: نَهَى رَسُولُ اللهِ ﷺ أَنْ تُنْكَحَ الْمَرْأَةُ عَلَى عَمَّتِهَا وَخَالَتِهَا.

تخريج: أخرجه البخاري، ح:٥١٠٨ (انظر الحديث المتقدم برقم:٣٢٩٨) من حديث ابن المبارك به.

3301. It was narrated that Jâbir said: "The Messenger of Allâh ﷺ forbade taking a woman as a co-wife to her paternal aunt or maternal aunt." (*Ṣaḥîḥ*)

٣٣٠١ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ الْحَسَنِ قَالَ: حَدَّثَنَا حَجَّاجٌ عَنِ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: نَهَى رَسُولُ اللهِ ﷺ أَنْ تُنْكَحَ الْمَرْأَةُ عَلَى عَمَّتِهَا أَوْ عَلَى خَالَتِهَا.

تخريج: [صحيح] وهو في الكبرى، ح:٥٤٣٤، وللحديث طرق كثيرة، منها الحديث السابق.

Chapter 49. What Becomes Unlawful As A Result Of Breast-feeding

(المعجم ٤٩) - مَا يَحْرُمُ مِنَ الرَّضَاعِ (التحفة ٤٩)

3302. It was narrated from 'Âishah that the Prophet ﷺ said: "What becomes unlawful (for marriage) through birth becomes unlawful through breast-feeding." (*Ṣaḥîḥ*)

٣٣٠٢ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا مَالِكٌ قَالَ: حَدَّثَنِي عَبْدُ اللهِ بْنُ دِينَارٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَا حَرَّمَتْهُ الْوِلَادَةُ حَرَّمَهُ الرَّضَاعُ».

تخريج: [إسناده صحيح] أخرجه الترمذي، الرضاع، باب ماجاء يحرم من الرضاع ما يحرم من النسب، ح:١١٤٧ من حديث يحيى القطان به، وقال: "حسن صحيح"، وهو في الموطأ (يحيى): ٢/٦٠٧، وصححه ابن حبان وغيره.

Comments:

The same categories of relatives who are unlawful for one to marry because of one's relation to them are also unlawful to one by foster relationship (through having been breastfed by a particular wet-nurse in infancy). But it

should, however, be kept clearly in mind that those categories of relatives would be unlawful only to the child who has been breast-fed; they would not be unlawful to his other kinship relations. For instance, it is unlawful for the one breastfed in infancy to marry his foster mother and sister, but to marry them is not unlawful to his other brothers. In other words, the whole household of the foster-mother is unlawful to the child who has been breastfed, but the household of the breastfed child are not unlawful to his foster-mother and the other relatives of her household.

3303. It was narrated from 'Âishah that her paternal uncle through breast-feeding, whose name was Aflaḥ, asked permission to meet her, and she observed *Ḥijab* before him. The Messenger of Allâh ﷺ was told about that and he said: "Do not observe *Ḥijab* before him, for what becomes unlawful (for marriage) through breast-feeding is that which become unlawful through lineage." (*Saḥîḥ*)

٣٣٠٣ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عِرَاكٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّهَا أَخْبَرَتْهُ أَنَّ عَمَّهَا مِنَ الرَّضَاعَةِ يُسَمَّى أَفْلَحَ اسْتَأْذَنَ عَلَيْهَا فَحَجَبَتْهُ، فَأُخْبِرَ رَسُولُ اللهِ ﷺ فَقَالَ: «لَا تَحْتَجِبِي مِنْهُ، فَإِنَّهُ يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ».

تخريج: أخرجه مسلم، الرضاع، باب تحريم الرضاعة من ماء الفحل، ح:٩/١٤٤٥ عن قتيبة ابن سعيد به، والبخاري، الشهادات، باب الشهادة على الأنساب والرضاع المستفيض والموت القديم، ح:٢٦٤٤ من حديث عراك به.

Comments:

'Âishah ﵂ was under the impression that the establishment of relationship to one who suckles and the one who is suckled is reasonable, but how could it extend to other relatives of her household? Allâh's Messenger ﷺ explained that in the milk of a woman, there is a share of her husband also. Therefore, the woman's husband and his relatives also stand in relationship to that male or female child who is suckled.

3304. It was narrated from 'Âishah that the Prophet ﷺ said: "What becomes unlawful (for marriage) through breast-feeding is that which becomes unlawful through lineage." (*Saḥîḥ*)

٣٣٠٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا يَحْيَى عَنْ مَالِكٍ، عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «يَحْرُمُ مِنَ الرَّضَاعِ مَا يَحْرُمُ مِنَ النَّسَبِ».

تخريج: أخرجه البخاري، الشهادات، باب الشهادة على الأنساب والرضاع ... إلخ، ح:٢٦٤٦، ومسلم، الرضاع، باب يحرم من الرضاعة ما يحرم من النسب، ح:١٤٤٤ من حديث مالك به، وهو في الموطأ (يحيى):٢/٦٠١، والكبرى، ح:٥٤٣٥.

3305. It was narrated that 'Amrah said: "I heard 'Âishah say: The Messenger of Allâh ﷺ said: 'What becomes unlawful (for marriage) through breast-feeding is that which becomes unlawful through birth.'" (*Ṣaḥîḥ*)

٣٣٠٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ هَاشِمٍ، عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، عَنْ عَمْرَةَ قَالَتْ: سَمِعْتُ عَائِشَةَ تَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «يَحْرُمُ مِنَ الرَّضاعِ مَا يَحْرُمُ مِنَ الْوِلَادَةِ».

تخريج: [صحيح] وهو في الكبرٰى، ح:٥٤٣٦.

Chapter 50. The Daughter Of One's Brother Through Breast-feeding Is Forbidden For Marriage

(المعجم ٥٠) - تَحْرِيمُ بِنْتِ الأَخِ مِنَ الرَّضَاعَةِ (التحفة ٥٠)

3306. It was narrated that 'Alî, may Allâh be pleased with him, said: "I said: 'O Messenger of Allâh, why do you choose wives from among Quraish and not from among us?' He said: 'Do you have anyone in mind?' I said: 'Yes, the daughter of Ḥamzah.' The Messenger of Allâh ﷺ said: 'She is not permissible for me (to marry); she is the daughter of my brother through breast-feeding.'" (*Ṣaḥîḥ*)

٣٣٠٦ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنْ أَبِي مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ سَعْدِ بْنِ عُبَيْدَةَ، عَنْ أَبِي عَبْدِ الرَّحْمٰنِ السُّلَمِيِّ، عَنْ عَلِيٍّ رَضِيَ اللهُ عَنْهُ قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! مَا لَكَ تَنَوَّقُ فِي قُرَيْشٍ وَتَدَعُنَا؟ قَالَ: «وَعِنْدَكَ أَحَدٌ؟» قُلْتُ: نَعَمْ! بِنْتُ حَمْزَةَ، قَالَ رَسُولُ اللهِ ﷺ: «إِنَّهَا لَا تَحِلُّ لِي إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ».

تخريج: أخرجه مسلم، الرضاع، باب تحريم ابنة الأخ من الرضاعة، ح:١٤٤٦ من حديث أبي معاوية الضرير به، وهو في الكبرٰى، ح:٥٤٤٦.

3307. It was narrated that Ibn 'Abbâs said: "Mention was made to the Messenger of Allâh ﷺ of the daughter of Ḥamzah (as a potential wife). He said: 'She is the daughter of my brother through breast-feeding.'" (One of the narrators) Shu'bah said: "Qatâdah heard this from Jâbir bin Zaid." (*Ṣaḥîḥ*)

٣٣٠٧ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ شُعْبَةَ، عَن قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: ذُكِرَ لِرَسُولِ اللهِ ﷺ بِنْتُ حَمْزَةَ فَقَالَ: «إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ». قَالَ شُعْبَةُ هٰذَا سَمِعَهُ قَتَادَةُ مِنْ جَابِرِ بْنِ زَيْدٍ.

تخريج: أخرجه البخاري، النكاح، باب: ﴿وأمهاتكم اللاتي أرضعنكم﴾، ح:٥١٠٠، ومسلم،

الرضاع، باب تحريم ابنة الأخ من الرضاعة، ح:١٤٤٧/١٣ من حديث يحيى بن سعيد القطان به، وهو في الكبرى، ح:٥٤٤٥.

3308. It was narrated from Ibn 'Abbâs that the daughter of Ḥamzah was suggested to Messenger of Allâh ﷺ (as a potential wife). He said: "She is the daughter of my brother through breast-feeding, and what becomes unlawful (for marriage) through breast-feeding is the same as that which becomes unlawful through lineage." (*Ṣaḥîḥ*)

٣٣٠٨ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ الصَّبَّاحِ بْنِ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ جَابِرِ بْنِ زَيْدٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللهِ ﷺ أُرِيدَ عَلَى بِنْتِ حَمْزَةَ فَقَالَ: «إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ، وَإِنَّهُ يَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ النَّسَبِ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٥٤٤٧، وأخرجه مسلم، ح:١٤٤٧/١٣ من حديث سعيد بن أبي عروبة به.

Comments:

The daughter of Hamza ﷺ was the Prophet's ﷺ sister from the side of his uncle, by reason of genealogy; the Prophet's ﷺ marriage to her was lawful. This is why Ali ﷺ proposed her marriage with the Prophet ﷺ. But she was the Prophet's ﷺ foster niece also. This was because Thawbiyah had suckled the Messenger of Allâh ﷺ and Hamza. Hence, Hamza was the Prophet's ﷺ brother by reason of fosterage.

Chapter 51. The Amount Of Breast-feeding That Makes Marriage Prohibited

(المعجم ٥١) - الْقَدْرُ الَّذِي يُحَرِّمُ مِنَ الرَّضَاعَةِ (التحفة ٥١)

3309. It was narrated that 'Âishah said: "One of the things that Allâh, the Mighty and Sublime, revealed" – (one of the narrators) Al-Ḥârith said (in his narration): "One of the things that were revealed in the Qur'ân" – "was that ten known breast-feedings make marriage prohibited, then that was abrogated and changed to five known breast-feedings. Then the Messenger of Allâh ﷺ passed away when this was something that was still being recited in the Qur'ân." (*Ṣaḥîḥ*)

٣٣٠٩ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ فِيمَا أَنْزَلَ اللهُ عَزَّ وَجَلَّ - وَقَالَ الْحَارِثُ: فِيمَا أُنْزِلَ مِنَ الْقُرْآنِ - عَشْرُ رَضَعَاتٍ مَعْلُومَاتٍ يُحَرِّمْنَ، ثُمَّ نُسِخْنَ بِخَمْسٍ مَعْلُومَاتٍ، فَتُوُفِّيَ رَسُولُ اللهِ ﷺ وَهِيَ مِمَّا يُقْرَأُ مِنَ الْقُرْآنِ.

تخريج: أخرجه مسلم، الرضاع، باب التحريم بخمس رضعات، ح:١٤٥٢ من حديث مالك به، وهو في الكبرٰى، ح:٥٤٤٨، والموطأ (يحيى):٢/٦٠٨.

3310. It was narrated from Umm Faḍl that the Prophet of Allâh ﷺ was asked about breast-feeding and said: "Suckling (*Al-Imlâjah*) once or twice does not make (marriage) prohibited." And (one of the narrators) Qatâdah said (in his narration): "Suckling (*Al-Maṣṣah*) once or twice does not make (marriage) prohibited." (***Ṣaḥîḥ***)

٣٣١٠ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ الصَّبَّاحِ بْنِ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ وَأَيُّوبَ، عَنْ صَالِحٍ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللهِ بْنِ الْحَارِثِ بْنِ نَوْفَلٍ، عَنْ أُمِّ الْفَضْلِ: أَنَّ نَبِيَّ اللهِ ﷺ سُئِلَ عَنِ الرَّضَاعِ فَقَالَ: «لَا تُحَرِّمُ الْإِمْلَاجَةُ وَلَا الْإِمْلَاجَتَانِ». وَقَالَ قَتَادَةُ: «الْمَصَّةُ وَالْمَصَّتَانِ».

تخريج: أخرجه مسلم، الرضاع، باب: في المصة والمصتان، ح:١٤٥١/ ٢٠ من حديث سعيد ابن أبي عروبة عن قتادة به، وهو في الكبرٰى، ح:٥٤٥٤ .

Comments:

This narration is authentic, that one or two suckles do not make a prohibition, until the infant suckles a few more times. In view of the previous narration, it would mean at the most five sucklings so that all the narrations could be acted upon.

3311. It was narrated from 'Abdullâh bin Az-Zubair that the Prophet ﷺ said: "Suckling once or twice does not make (marriage) prohibited." (***Ṣaḥîḥ***)

٣٣١١ - أَخْبَرَنَا شُعَيْبُ بْنُ يُوسُفَ عَنْ يَحْيَى، عَنْ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ عَبْدِ اللهِ بْنِ الزُّبَيْرِ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُحَرِّمُ الْمَصَّةُ وَالْمَصَّتَانِ».

تخريج: **[إسناده صحيح]** أخرجه أحمد:٤/٤ عن يحيى القطان به، وهو في الكبرٰى، ح:٥٤٥٦، وصححه ابن حبان، ح:١٢٥١.

3312. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ said: 'Suckling once or twice does not make (marriage) prohibited.'" (***Ṣaḥîḥ***)

٣٣١٢ - أَخْبَرَنَا زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ عَنْ أَيُّوبَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عَبْدِ اللهِ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تُحَرِّمُ الْمَصَّةُ وَالْمَصَّتَانِ».

تخريج: أخرجه مسلم، الرضاع، باب: في المصة والمصتان، ح:١٤٥٠ من حديث إسماعيل ابن إبراهيم وهو ابن علية به، وهو في الكبرٰى، ح:٥٤٥١ .

Comments:

Various wordings have occurred in the reports: *Massah*, *Imlâjah*, *Khatifah*, etc. The import of all these expressions is identical. That means to take the breast into the mouth once, and to continue to suckle until the breast is removed from the infant's mouth. In the same way, the breast milk is considered of no consequence.

3313. Sa'eed narrated from Qatâdah: "We wrote to Ibrâhîm bin Yazîd An-Nakha'î asking him about breast-feeding. He wrote back saying that Shuraiḥ had narrated that 'Alî and Ibn Mas'ûd used to say: 'A little or a lot of breast-feeding makes marriage prohibited.'" In his book, it said that Abû Ash-Sha'thâ' Al-Muhâribî narrated that 'Âishah had told him that the Prophet of Allâh ﷺ used to say: "Suckling (*Al-Khatfah*) once or twice does not make (marriage) prohibited." (*Ṣaḥîḥ*)

٣٣١٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ بَزِيعٍ قَالَ: حَدَّثَنَا يَزِيدُ - يَعْنِي ابْنَ زُرَيْعٍ - قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ قَالَ: كَتَبْنَا إِلَى إِبْرَاهِيمَ بْنِ يَزِيدَ النَّخَعِيِّ نَسْأَلُهُ عَنِ الرَّضَاعِ فَكَتَبَ أَنَّ شُرَيْحًا حَدَّثَنَا: أَنَّ عَلِيًّا وَابْنَ مَسْعُودٍ كَانَا يَقُولَانِ: يُحَرِّمُ مِنَ الرَّضَاعِ قَلِيلُهُ وَكَثِيرُهُ. وَكَانَ فِي كِتَابِهِ أَنَّ أَبَا الشَّعْثَاءِ الْمُحَارِبِيَّ حَدَّثَنَا، أَنَّ عَائِشَةَ حَدَّثَتْهُ، أَنَّ نَبِيَّ اللهِ ﷺ كَانَ يَقُولُ: «لَا تُحَرِّمُ الْخَطْفَةُ وَالْخَطْفَتَانِ».

تخريج: [صحيح] أخرجه البيهقي:٧/٤٥٨ من حديث سعيد بن أبي عروبة به، وتابعه حجاج عند ابن أبي شيبة:٤/٢٨٦ مختصر، والحديث في الكبرى، ح:٥٤٦٢ * قتادة كان أعمى، وللحديث شواهد.

3314. It was narrated that Masrûq said: "Âishah said: 'The Messenger of Allâh ﷺ entered upon me and there was a man sitting with me. He got upset about that, and I saw the anger in his face.' I said: "O Messenger of Allâh, he is my brother through breast-feeding." He said: "Be careful who you count as your brothers" – or: "be careful who you count as your brothers through breast-feeding" – "for the breast-feeding (which makes marriage prohibited) is from hunger." (*Ṣaḥîḥ*)

٣٣١٤ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ فِي حَدِيثِهِ عَنْ أَبِي الْأَحْوَصِ، عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ، عَنْ أَبِيهِ عَنْ مَسْرُوقٍ قَالَ: قَالَتْ عَائِشَةُ: دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ وَعِنْدِي رَجُلٌ قَاعِدٌ فَاشْتَدَّ ذٰلِكَ عَلَيْهِ وَرَأَيْتُ الْغَضَبَ فِي وَجْهِهِ، فَقُلْتُ: يَا رَسُولَ اللهِ! إِنَّهُ أَخِي مِنَ الرَّضَاعَةِ، فَقَالَ: «انْظُرْنَ مَا إِخْوَانُكُنَّ» - وَمَرَّةً أُخْرَى - «انْظُرْنَ مَنْ إِخْوَانُكُنَّ مِنَ الرَّضَاعَةِ؛ فَإِنَّ الرَّضَاعَةَ مِنَ الْمَجَاعَةِ».

تخريج: أخرجه مسلم، الرضاع، باب: إنما الرضاعة من المجاعة، ح:١٤٥٥ عن هناد،

والبخاري، الشهادات، باب الشهادة على الأنساب والرضاع المستفيض والموت القديم، ح:٢٦٤٧، ح:٥١٠٢ من حديث أشعث به، وهو في الكبرٰى، ح:٥٤٦٣.

Comments:

The relationship established by breast-feeding takes place in that period of time when the infant solely depends on milk, and its whole subsistence consists of milk only. If it eats any other thing, it is very little. His primary genuine food ought to be milk. And this is valid until the child is two years old.

Chapter 52. The Breast Milk Belongs To The Husband

(المعجم ٥٢) - لَبَنُ الْفَحْلِ (التحفة ٥٢)

3315. It was narrated from 'Amrah that 'Âishah told her that the Messenger of Allâh ﷺ was with her, and she heard a man asking permission to enter Hafsah's house. 'Âishah said: "I said: 'O Messenger of Allâh ﷺ, there is a man asking permission to enter your house.' The Messenger of Allâh ﷺ said: 'I think it is so-and-so the paternal uncle of Hafsah through breast-feeding.' 'Âishah said: 'If so-and-so (her own paternal uncle through breast-feeding) were alive, would he be allowed to enter upon me?' The Messenger of Allâh ﷺ said: 'What becomes unlawful (for marriage) through breast-feeding is that which becomes unlawful through birth.'" (*Sahîh*)

٣٣١٥ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ عَبْدِ اللهِ ابْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، أَنَّ عَائِشَةَ أَخْبَرَتْهَا: أَنَّ رَسُولَ اللهِ ﷺ كَانَ عِنْدَهَا، وَأَنَّهَا سَمِعَتْ رَجُلًا يَسْتَأْذِنُ فِي بَيْتِ حَفْصَةَ، قَالَتْ عَائِشَةُ فَقُلْتُ: يَا رَسُولَ اللهِ! هٰذَا رَجُلٌ يَسْتَأْذِنُ فِي بَيْتِكَ، فَقَالَ رَسُولُ اللهِ ﷺ: «أُرَاهُ فُلَانًا لِعَمِّ حَفْصَةَ مِنَ الرَّضَاعَةِ» قَالَتْ عَائِشَةُ: فَقُلْتُ: لَوْ كَانَ فُلَانٌ حَيًّا لِعَمِّهَا مِنَ الرَّضَاعَةِ دَخَلَ عَلَيَّ، فَقَالَ رَسُولُ اللهِ ﷺ: «إِنَّ الرَّضَاعَةَ تُحَرِّمُ مَا يُحَرِّمُ مِنَ الْوِلَادَةِ».

تخريج: أخرجه البخاري، ح:٢٦٤٦، انظر الحديث السابق، ومسلم، الرضاع، باب: يحرم من الرضاعة ما يحرم من الولادة، ح:١٤٤٤ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٦٠١، والكبرٰى، ح:٥٤٧٠ .

Comments:

'Âishah ؓ was under the impression that consequent to breast-feeding or fosterage, the infant's relationship is established to the woman, because it has suckled from her. But it does not have any relation with the woman's husband, because the infant has no connection with him. The woman, nonetheless, lactates as a result of a man's intercourse with her and her pregnancy with his child. Therefore, the relationship of the breast-fed infant would be established with both the woman and her husband. And this is the

intent of the name of the chapter; that the milk is a result of the father.

3316. It was narrated from 'Urwah that 'Âishah told him: "My paternal uncle through breast-feeding, Abû Al-Ja'd, came to me, and I sent him away. – He (one of the narrators) said: "Hishâm said: 'He was Abû Al-Qu'ais." – "Then the Messenger of Allâh ﷺ came, and I told him. The Messenger of Allâh ﷺ said: 'Give him permission (to enter).'" (*Sahîh*)

٣٣١٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنَا عَطَاءٌ عَنْ عُرْوَةَ، أَنَّ عَائِشَةَ أَخْبَرَتْهُ قَالَتْ: جَاءَ عَمِّي أَبُو الْجَعْدِ مِنَ الرَّضَاعَةِ فَرَدَدْتُهُ، قَالَ: وَقَالَ هِشَامٌ: هُوَ أَبُو الْقُعَيْسِ، فَجَاءَ رَسُولُ اللهِ ﷺ فَأَخْبَرْتُهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «ائْذَنِي لَهُ».

تخريج: أخرجه مسلم، الرضاع، باب تحريم الرضاعة من ماء الفحل، ح:١٤٤٥/٨ من حديث عبدالرزاق به ❊ عطاء هو ابن أبي رباح.

Comments:

A foster uncle could be of two kinds: the real brother of the foster father, or the foster brother of the real father. Marriage is forbidden with both of them.

3317. It was narrated from 'Âishah that the brother of Abû Al-Qu'ais asked permission to enter upon 'Âishah after the Verse of *Hijâb* had been revealed, and she refused to let him in. Mention of that was made to the Prophet ﷺ and he said: "Let him in, for he is your paternal uncle." She said: "The woman breast-fed me, not the man." He said: "He is your paternal uncle, so let him visit you." (*Sahîh*)

٣٣١٧ - أَخْبَرَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ بْنِ عَبْدِ الْوَارِثِ قَالَ: حَدَّثَنِي أَبِي عَنْ أَيُّوبَ، عَنْ وَهْبِ بْنِ كَيْسَانَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ أَخَا أَبِي الْقُعَيْسِ اسْتَأْذَنَ عَلَى عَائِشَةَ بَعْدَ آيَةِ الْحِجَابِ فَأَبَتْ أَنْ تَأْذَنَ لَهُ، فَذُكِرَ ذٰلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «ائْذَنِي لَه فَإِنَّهُ عَمُّكِ» فَقُلْتُ: إِنَّمَا أَرْضَعَتْنِي الْمَرْأَةُ وَلَمْ يُرْضِعْنِي الرَّجُلُ، فَقَالَ: «إِنَّهُ عَمُّكِ فَلْيَلِجْ عَلَيْكِ».

تخريج: [إسناده صحيح] وهو في الكبرٰى، ح:٥٤٧١، انظر الحديث السابق، ح:٣٣٠٣ ❊ جده عبدالوارث بن سعيد.

3318. It was narrated that 'Âishah said: "Aflah, the brother of Abû Al-Qu'ais, who was my paternal uncle through breast-feeding, used to ask permission to enter upon me, and I refused to let him in

٣٣١٨ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللهِ: أَخْبَرَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ أَفْلَحُ أَخُو أَبِي الْقُعَيْسِ يَسْتَأْذِنُ عَلَيَّ وَهُوَ

until the Messenger of Allâh ﷺ came, and I told him about that. He said: "Let him in, for he is your paternal uncle."' 'Âishah said: "That was after the (Verse of) *Hijâb* had been revealed." (*Sahîh*)

عَمِّي مِنَ الرَّضَاعَةِ فَأَبَيْتُ أَنْ آذَنَ لَهُ، حَتَّى جَاءَ رَسُولُ اللهِ ﷺ فَأَخْبَرْتُهُ فَقَالَ: «ائْذَنِي لَهُ فَإِنَّهُ عَمُّكِ» قَالَتْ عَائِشَةُ: وَذَلِكَ بَعْدَ أَنْ نَزَلَ الْحِجَابُ.

تخريج: أخرجه البخاري، النكاح، باب لبن الفحل، ح:٥١٠٣، ومسلم، الرضاع، باب تحريم الرضاعة من ماء الفحل، ح:١٤٤٥ من حديث مالك به، وهو في الموطأ (يحيى): ٢/٦٠٢، والكبرٰى، ح:٥٤٧٢.

Comments:

Marriage is forbidden with one's uncle. Therefore, there is no observation of *Hijâb* from him. He may go to the house of his niece, but after obtaining permission, because no one may enter anyone's house without first obtaining permission. Only the husband could enter his own house without permission.

3319. It was narrated that 'Âishah said: "My paternal uncle Aflah asked permission to enter upon me after the (Verse of) *Hijâb* had been revealed, but I did not let him in. The Prophet ﷺ came to me and I asked him (about that) and he said: 'Let him in, for he is your paternal uncle.' I said: 'O Messenger of Allâh, the woman breast-fed me, not the man.' He said: 'Let him in, may your hands be rubbed with dust, for he is your uncle.'" (*Sahîh*)

٣٣١٩ - أَخْبَرَنَا عَبْدُ الْجَبَّارِ بْنُ الْعَلَاءِ عَنْ سُفْيَانَ، عَنِ الزُّهْرِيِّ وَهِشَامِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: اسْتَأْذَنَ عَلَيَّ عَمِّي أَفْلَحُ بَعْدَ مَا نَزَلَ الْحِجَابُ فَلَمْ آذَنْ لَهُ، فَأَتَانِي النَّبِيُّ ﷺ فَسَأَلْتُهُ فَقَالَ: «ائْذَنِي لَهُ فَإِنَّهُ عَمُّكِ» قُلْتُ: يَا رَسُولَ اللهِ! إِنَّمَا أَرْضَعَتْنِي الْمَرْأَةُ وَلَمْ يُرْضِعْنِي الرَّجُلُ، قَالَ: «ائْذَنِي لَهُ تَرِبَتْ يَمِينُكِ فَإِنَّهُ عَمُّكِ».

تخريج: أخرجه مسلم، ح:١٤٤٥/٤ (انظر الحديث السابق) من حديث سفيان بن عيينة عن الزهري به، وهو في الكبرٰى، ح:٥٤٦٨.

3320. It was narrated that 'Âishah said: "Aflah, the brother of Abû Al-Qu'ais, came and asked permission to enter, and I said: 'I will not let him in until I seek the permission of the Prophet of Allâh.' When the Prophet of Allâh came, I said to him: 'Aflah, the brother of Abû Al-Qu'ais, came and asked permission to enter, but I refused to let him in.' He said:

٣٣٢٠ - أَخْبَرَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ بْنِ دَاوُدَ قَالَ: حَدَّثَنَا أَبُو الْأَسْوَدِ وَإِسْحَاقُ بْنُ بَكْرٍ قَالَا: حَدَّثَنَا بَكْرُ بْنُ مُضَرَ عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنْ عِرَاكِ بْنِ مَالِكٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَ أَفْلَحُ أَخُو أَبِي الْقُعَيْسِ يَسْتَأْذِنُ فَقُلْتُ: لَا آذَنُ لَهُ حَتَّى أَسْتَأْذِنَ نَبِيَّ اللهِ ﷺ، فَلَمَّا جَاءَ نَبِيُّ اللهِ ﷺ قُلْتُ لَهُ: جَاءَ

'Let him in, for he is your paternal uncle.' I said: 'The wife of Abû Al-Qu'ais breast-fed me; the man did not breast-feed me.' He said: 'Let him in, for he is your paternal uncle."' (*Sahîh*)

أَفْلَحُ أَخُو أَبِي الْقُعَيْسِ يَسْتَأْذِنُ فَأَبَيْتُ أَنْ آذَنَ لَهُ، فَقَالَ: «ائْذَنِي لَهُ فَإِنَّهُ عَمُّكِ» فَقُلْتُ: إِنَّمَا أَرْضَعَتْنِي امْرَأَةُ أَبِي الْقُعَيْسِ وَلَمْ يُرْضِعْنِي الرَّجُلُ قَالَ: «ائْذَنِي لَهُ فَإِنَّهُ عَمُّكِ».

تخريج: [صحيح] تقدم، ح:٣٣٠٣، وهو في الكبرٰى، ح:٥٤٧٣ .

Chapter 53. Breast-feeding An Adult

(المعجم ٥٣) - **بَابُ رَضَاعِ الْكَبِيرِ** (التحفة ٥٣)

3321. Zainab bint Abî Salamah said: "I heard 'Âishah, the wife of the Prophet ﷺ say: 'Sahlah bint Suhail came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, I see (displeasure) in the face of Abû Hudhaifah when Sâlim enters upon me.' The Messenger of Allâh ﷺ said: 'Breast-feed him.' She said: 'He has a beard.' He said: 'Breast-feed him, and that will take away (the displeasure) in the face of Abû Hudhaifah.' She said: 'By Allâh, I never saw that on the face of Abû Hudhaifah after that."' (*Sahîh*)

٣٣٢١ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي مَخْرَمَةُ ابْنُ بُكَيْرٍ عَنْ أَبِيهِ قَالَ: سَمِعْتُ حُمَيْدَ بْنَ نَافِعٍ يَقُولُ: سَمِعْتُ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ تَقُولُ: سَمِعْتُ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ تَقُولُ: جَاءَتْ سَهْلَةُ بِنْتُ سُهَيْلٍ إِلَى رَسُولِ اللهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنِّي لَأَرَى فِي وَجْهِ أَبِي حُذَيْفَةَ مِنْ دُخُولِ سَالِمٍ عَلَيَّ، قَالَ رَسُولُ اللهِ ﷺ: «أَرْضِعِيهِ» قُلْتُ: إِنَّهُ لَذُو لِحْيَةٍ فَقَالَ: «أَرْضِعِيهِ يَذْهَبْ مَا فِي وَجْهِ أَبِي حُذَيْفَةَ» قَالَتْ: وَاللّٰهِ! مَا عَرَفْتُهُ فِي وَجْهِ أَبِي حُذَيْفَةَ بَعْدُ.

تخريج: أخرجه مسلم، الرضاع، باب رضاعة الكبير، ح:١٤٥٣/ ٣٠ من حديث ابن وهب به، وهو في الكبرٰى، ح:٥٤٧٩ * بكير هو ابن عبدالله بن الأشج.

Comments:

Abû Hudhaifah ﷺ had adopted Sâlim (son). He dwelt in the house like sons and used to frequent the house. When the command that an adopted son does not become a son in the real sense of the word, or the rulings of son are applied to him descended, observing *Hijâb* around him became obligatory. That is why the afore-mentioned situation materialized.

3322. It was narrated that 'Âishah said: "Sahlah bint Suhail came to the Messenger of Allâh ﷺ and said: 'I

٣٣٢٢ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ:

سَمِعْنَاهُ مِنْ عَبْدِ الرَّحْمٰنِ - وَهُوَ ابْنُ الْقَاسِمِ - عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتْ سَهْلَةُ بِنْتُ سُهَيْلٍ إِلَى رَسُولِ اللهِ ﷺ فَقَالَتْ: إِنِّي أَرَى فِي وَجْهِ أَبِي حُذَيْفَةَ مِنْ دُخُولِ سَالِمٍ عَلَيَّ، قَالَ: «فَأَرْضِعِيهِ» قَالَتْ: وَكَيْفَ أُرْضِعُهُ وَهُوَ رَجُلٌ كَبِيرٌ؟ فَقَالَ: «أَلَسْتُ أَعْلَمُ أَنَّهُ رَجُلٌ كَبِيرٌ؟» ثُمَّ جَاءَتْ بَعْدُ فَقَالَتْ: وَالَّذِي بَعَثَكَ بِالْحَقِّ نَبِيًّا! مَا رَأَيْتُ فِي وَجْهِ أَبِي حُذَيْفَةَ بَعْدُ شَيْئًا أَكْرَهُهُ.

see (displeasure) in the face of Abû Ḥudhaifah when Sâlim enters upon me.' The Messenger of Allâh ﷺ said: 'Breast-feed him.' She said: 'How can I breast-feed him when he is a grown man?' He said: 'Don't I know that he is a grown man?' Then she came after that and said: 'By the One Who sent you with the truth as a Prophet, I have never seen anything I dislike on the face of Abû Ḥudhaifah after that.'" (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، ح:٢٦/١٤٥٣ من حديث سفيان بن عيينة به، انظر الحديث السابق.

٣٣٢٣ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنِ الْوَزِيرِ قَالَ: سَمِعْتُ ابْنَ وَهْبٍ قَالَ: أَخْبَرَنِي سُلَيْمَانُ عَنْ يَحْيَى وَرَبِيعَةَ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ قَالَتْ: أَمَرَ النَّبِيُّ ﷺ امْرَأَةَ أَبِي حُذَيْفَةَ أَنْ تُرْضِعَ سَالِمًا مَوْلَى أَبِي حُذَيْفَةَ حَتَّى تَذْهَبَ غَيْرَةُ أَبِي حُذَيْفَةَ، فَأَرْضَعَتْهُ وَهُوَ رَجُلٌ، قَالَ رَبِيعَةُ: فَكَانَتْ رُخْصَةً لِسَالِمٍ.

3323. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ commanded the wife of Abû Ḥudhaifah to breast-feed Sâlim, the freed slave of Abû Ḥudhaifah, so that the protective jealousy of Abû Hudhaifah would be dispelled. She breast-fed him when he was a man." (One of the narrators) Rabî'ah said: "That was a concession granted to Sâlim." (*Ṣaḥîḥ*)

تخريج: [إسناده صحيح] وانظر الحديث السابق والآتي * سليمان هو ابن بلال، ويحيى هو ابن سعيد الأنصاري، وربيعة هو ابن أبي عبدالرحمٰن الرأي.

Comments:

It could be stated that at the present time also, if non-Muslims embrace Islam and if they encounter this problem, they also may benefit from this dispensation, provided it solves the problem, as the problem of Abû Hudhaifah was solved.

٣٣٢٤ - أَخْبَرَنَا حُمَيْدُ بْنُ مَسْعَدَةَ عَنْ سُفْيَانَ - وَهُوَ ابْنُ حَبِيبٍ - عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتْ سَهْلَةُ إِلَى رَسُولِ

3324. It was narrated that 'Âishah said: "Sahlah came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, Sâlim enters upon us and he understands what men understand, and knows what

اللهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ سَالِمًا يَدْخُلُ عَلَيْنَا وَقَدْ عَقَلَ مَا يَعْقِلُ الرِّجَالُ وَعَلِمَ مَا يَعْلَمُ الرِّجَالُ، قَالَ: «أَرْضِعِيهِ تَحْرُمِي عَلَيْهِ بِذٰلِكَ». فَمَكَثْتُ حَوْلًا لَا أُحَدِّثُ بِهِ وَلَقِيتُ الْقَاسِمَ فَقَالَ: حَدِّثْ بِهِ وَلَا تَهَابُهُ.

men know.' He said: 'Breast-feed him, and you will become unlawful to him thereby.' (Ibn Abi Mulaikah, one of the narrators said:) For a year I did not narrate this, then I met Al-Qâsim and he said: 'Narrate it and do not worry about it.'" (*Sahîh*)

تخريج: أخرجه مسلم، ح:٢٨/١٤٥٣ كما تقدم، ح:٣٣٢١ من حديث ابن جريج به * عبدالله بن عبيدالله بن أبي مليكة.

Comments:

See No. 3321.

٣٣٢٥ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ عَنْ عَبْدِ الْوَهَّابِ قَالَ: حَدَّثَنَا أَيُّوبُ عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ: أَنَّ سَالِمًا مَوْلَى أَبِي حُذَيْفَةَ كَانَ مَعَ أَبِي حُذَيْفَةَ وَأَهْلِهِ فِي بَيْتِهِمْ، فَأَتَتْ بِنْتُ سُهَيْلٍ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: إِنَّ سَالِمًا قَدْ بَلَغَ مَا يَبْلُغُ الرِّجَالُ وَعَقَلَ مَا عَقَلُوهُ وَإِنَّهُ يَدْخُلُ عَلَيْنَا، وَإِنِّي أَظُنُّ فِي نَفْسِ أَبِي حُذَيْفَةَ مِنْ ذٰلِكَ شَيْئًا، فَقَالَ النَّبِيُّ ﷺ: «أَرْضِعِيهِ تَحْرُمِي عَلَيْهِ» فَأَرْضَعَتْهُ فَذَهَبَ الَّذِي فِي نَفْسِ أَبِي حُذَيْفَةَ، فَرَجَعْتُ إِلَيْهِ فَقُلْتُ: إِنِّي قَدْ أَرْضَعْتُهُ فَذَهَبَ الَّذِي فِي نَفْسِ أَبِي حُذَيْفَةَ.

3325. It was narrated from 'Âishah that Sâlim, the freed slave of Abû Hudhaifah was with Abû Hudhaifah and his family in their house. The daughter of Suhail came to the Prophet ﷺ and said: "Sâlim has reached the age of manhood, and understands what men understand. He enters upon us, and I think that Abû Hudhaifah is not happy about that." The Prophet ﷺ said: "Breast-feed him, and you will become unlawful to him." So she breast-fed him, and the displeasure of Abû Hudhaifah disappeared. She came back to him and said: "I breast-fed him and the displeasure of Abû Hudhaifah has disappeared." (*Sahîh*)

تخريج: أخرجه مسلم، ح:٢٧/١٤٥٣ من حديث عبدالوهاب الثقفي به، انظر الحديث السابق.

٣٣٢٦ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ وَمَالِكٌ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ قَالَ: أَبَى سَائِرُ أَزْوَاجِ النَّبِيِّ ﷺ أَنْ يَدْخُلَ عَلَيْهِنَّ بِتِلْكَ الرَّضْعَةِ أَحَدٌ مِنَ النَّاسِ يُرِيدُ رِضَاعَةَ الْكَبِيرِ،

3326. It was narrated that 'Urwah said: "The rest of the wives of the Prophet ﷺ refused for anyone to enter upon them on the basis of that type of breast-feeding, meaning breast-feeding of an adult. They said to 'Âishah: 'By Allâh, we think that what the Messenger of

وَقُلْنَ: لِعَائِشَةَ وَاللَّهِ! مَا نُرَى الَّذِي أَمَرَ رَسُولُ اللهِ ﷺ سَهْلَةَ بِنْتَ سُهَيْلٍ إِلَّا رُخْصَةً فِي رَضَاعَةِ سَالِمٍ وَحْدَهُ مِنْ رَسُولِ اللهِ ﷺ، وَاللَّهِ! لَا يَدْخُلُ عَلَيْنَا أَحَدٌ بِهٰذِهِ الرَّضْعَةِ وَلَا يَرَانَا.

Allâh ﷺ told Sahlah bint Suhail to do was a concession which was granted by the Messenger of Allâh ﷺ only with regard to breast-feeding Sâlim. By Allâh, no one will enter upon us, nor see us on the basis of this type of breast-feeding.'" (*Sahîh*)

تخريج: [**إسناده صحيح**] أخرجه أبو داود، النكاح، باب من حرم به، ح: ٢٠٦١ من حديث يونس بن يزيد عن ابن شهاب الزهري به مطولاً، وهو في الموطأ (يحيى): ٢/٦٠٥، ٦٠٦، والكبرى، ح: ٥٤٧٧، وأخرجه البخاري، ح: ٥٠٨٨ وغيره من حديث الزهري به، وله طريق أخرى عند مسلم وغيره.

٣٣٢٧ - أَخْبَرَنَا عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ ابْنِ اللَّيْثِ قَالَ: أَخْبَرَنِي أَبِي عَنْ جَدِّي قَالَ: حَدَّثَنِي عُقَيْلٌ عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي أَبُو عُبَيْدَةَ بْنُ عَبْدِ اللهِ بْنِ زَمْعَةَ، أَنَّ أُمَّهُ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ أَخْبَرَتْهُ، أَنَّ أُمَّهَا أُمَّ سَلَمَةَ زَوْجَ النَّبِيِّ ﷺ كَانَتْ تَقُولُ: أَبَى سَائِرُ أَزْوَاجِ النَّبِيِّ ﷺ أَنْ يُدْخَلَ عَلَيْهِنَّ بِتِلْكَ الرَّضَاعَةِ، وَقُلْنَ لِعَائِشَةَ: وَاللَّهِ! مَا نُرَى هٰذِهِ إِلَّا رُخْصَةً رَخَّصَهَا رَسُولُ اللهِ ﷺ خَاصَّةً لِسَالِمٍ، فَلَا يَدْخُلُ عَلَيْنَا أَحَدٌ بِهٰذِهِ الرَّضَاعَةِ وَلَا يَرَانَا.

3327. Zainab bint Abû Salamah narrated that her mother Umm Salamah, the wife of the Prophet ﷺ, used to say: "The rest of the wives of the Prophet ﷺ refused for anyone to enter upon them on the basis of that type of breast-feeding, meaning breast-feeding of an adult. They said to 'Âishah: 'By Allâh, we think that this is a concession which the Messenger of Allâh ﷺ granted only to Sâlim. No one will enter upon us, nor see us on the basis of this type of breast-feeding.'" (*Sahîh*)

تخريج: أخرجه مسلم، الرضاع، باب رضاعة الكبير، ح: ١٤٥٤ عن عبدالملك به، وهو في الكبرى، ح: ٥٤٧٨.

Comments:

This conception and inference of the wives of the Prophet ﷺ is absolutely correct. 'Âishah ﷺ used to hold this view. (For further details, see *Hadîth* 3323).

Chapter 54. *Al-Ghîlah* (Intercourse With A Breast-feeding Woman)

(المعجم ٥٤) - **الْغِيلَةُ** (التحفة ٥٤)

٣٣٢٨ - أَخْبَرَنَا عُبَيْدُ اللهِ وَإِسْحَاقُ بْنُ مَنْصُورٍ عَنْ عَبْدِ الرَّحْمٰنِ عَنْ مَالِكٍ عَنْ أَبِي

3328. It was narrated from 'Âishah that Judâmah bint Wahb told her that the Messenger of Allâh ﷺ

الْأَسْوَدِ عَنْ عُرْوَةَ عَنْ عَائِشَةَ أَنَّ جُدَامَةَ بِنْتَ وَهْبٍ حَدَّثَتْهَا أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَقَدْ هَمَمْتُ أَنْ أَنْهَى عَنِ الْغِيلَةِ حَتَّى ذَكَرْتُ أَنَّ فَارِسَ وَالرُّومَ يَصْنَعُهُ». - وَقَالَ إِسْحَاقُ: «يَصْنَعُونَهُ - فَلَا يَضُرُّ أَوْلَادَهُمْ».

said: "I was thinking of forbidding *Ghîlah* until I remembered that it is done by the Persians and Romans" – (one of the narrators) Isḥâq said: "(They) do that – and it does not harm their children." (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، النكاح، باب جواز الغيلة وهي وطء المرضع وكراهة العزل، ح:١٤٤٢ من حديث مالك به، وهو في الموطأ (يحيى):٢/٦٠٧، ٦٠٨، والكبرى، ح:٥٤٨٥.

Chapter 55. Coitus Interruptus

(المعجم ٥٥) - **بَابُ الْعَزْلِ** (التحفة ٥٥)

٣٣٢٩ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ وَحُمَيْدُ بْنُ مَسْعَدَةَ قَالَا: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ بِشْرِ بْنِ مَسْعُودٍ، وَرَدَّ الْحَدِيثَ حَتَّى رَدَّهُ إِلَى أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: ذُكِرَ ذٰلِكَ عِنْدَ رَسُولِ اللهِ ﷺ قَالَ: «وَمَا ذَاكُمْ» قُلْنَا: الرَّجُلُ تَكُونُ لَهُ الْمَرْأَةُ فَيُصِيبُهَا وَيَكْرَهُ الْحَمْلَ، وَتَكُونُ لَهُ الْأَمَةُ فَيُصِيبُ مِنْهَا وَيَكْرَهُ أَنْ تَحْمِلَ مِنْهُ، قَالَ: «لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا فَإِنَّمَا هُوَ الْقَدَرُ».

3329. It was narrated from 'Abdur-Raḥmân bin Bishr bin Mas'ûd, who attributed the *Ḥadîth* to Abû Sa'eed Al-Khudrî, that mention of that (coitus interruptus) was made to the Messenger of Allâh ﷺ and he said: "Why do you do that?" We said: "A man may have a wife, and he has intercourse with her, but he does not want her to get pregnant, or he may have a concubine, and he has intercourse with her, but he does not want her to get pregnant." He said: "It does not make any difference if you do that, for it is the matter of *Al-Qadar*." (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، النكاح، باب حكم العزل، ح:١٤٣٨/١٣١ من حديث عبدالله بن عون به، وهو في الكبرى، ح:٥٤٨٦.

Comments:

1. *Al-Azl* or coitus interruptus means that a man has intercourse with his wife or slave-woman, but does not allow emission of semen; he ejaculates outside. The objective is to prevent pregnancy.
2. Permissibility or impermissibility of the coitus interruptus depends upon one's intention. If the intention is good, for instance, so the infant's (nursing) health is not injured, or the woman's health does not permit pregnancy, then coitus interruptus is permissible. But if the intention is bad as in concerns for providing for the children, etc., then coitus interruptus is not permissible.

3330. It was narrated from Abû Sa'eed Az-Zuraqî that a man asked the Messenger of Allâh ﷺ about coitus interruptus and said: "My wife is breast-feeding and I do not want her to get pregnant." The Prophet ﷺ said: "What has been decreed in the womb will come to be." (*Ḥasan*)

٣٣٣٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ عَنْ مُحَمَّدٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي الْفَيْضِ قَالَ: سَمِعْتُ عَبْدَاللهِ بْنَ مُرَّةَ الزُّرَقِيَّ عَنْ أَبِي سَعِيدٍ الزُّرَقِيِّ: أَنَّ رَجُلًا سَأَلَ رَسُولَ اللهِ ﷺ عَنِ الْعَزْلِ فَقَالَ: إِنَّ امْرَأَتِي تُرْضِعُ وَأَنَا أَكْرَهُ أَنْ تَحْمِلَ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّ مَا قَدْ قُدِّرَ فِي الرَّحِمِ سَيَكُونُ».

تخريج: [**إسناده حسن**] أخرجه أحمد: ٣/ ٤٥٠ عن محمد وهو ابن جعفر غندر به، وهو في الكبرٰى، ح: ٥٤٨٧ * أبوالفيض الشامي اسمه موسى بن أيوب وهو الحمصي.

Comments:

In spite of it, Allâh's Messenger ﷺ did not forbid coitus interruptus, because like other means, this is also a means to prevent pregnancy, which could be made use of. Though, the ultimate verdict lies in the hands of Allâh, Most High.

Chapter 56. Rights And Status Of The Breast-feeding Mother

(المعجم ٥٦) - حَقُّ الرَّضَاعِ وَحُرْمَتُهُ (التحفة ٥٦)

3331. It was narrated from Ḥajjâj bin Ḥajjâj that his father said: "I said: 'O Messenger of Allâh, how can I pay back the dues of the one who breast-fed me?' He said: 'By giving a male or female slave.'" (*Ḥasan*)

٣٣٣١ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَحْيَى عَنْ هِشَامٍ قَالَ: وَحَدَّثَنِي أَبِي عَنْ حَجَّاجِ بْنِ حَجَّاجٍ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! مَا يُذْهِبُ عَنِّي مَذَمَّةَ الرَّضَاعِ؟ قَالَ: «غُرَّةُ عَبْدٍ أَوْ أَمَةٍ».

تخريج: [**إسناده حسن**] أخرجه أبو داود، النكاح، باب: في الرضخ عند الفصال، ح: ٢٠٦٤، والترمذي، الرضاع، باب ما يذهب مذمة الرضاع، ح: ١١٥٣ من حديث هشام بن عروة به، وهو في الكبرٰى، ح: ٥٤٨٢، وقال الترمذي: "حسن صحيح"، وصححه ابن حبان، وله شواهد كثيرة، (مجمع الزوائد: ٤/ ٢٦٢ وغيره).

Comments:

The right of the real mother can never be fulfilled. That will be fulfilled by Allâh Himself. However, for the woman whom one has suckled, if a slave or a slave woman is given to her to serve her, this would fulfill her right.

Chapter 57. Testimony With Regard To Breast-feeding

(المعجم ٥٧) - الشَّهَادَةُ فِي الرَّضَاعِ

(التحفة ٥٧)

3332. It was narrated that 'Uqbah bin Al-Ḥârith said: I married a woman, then a black woman came to us and said: I breast-fed you both. I went to the Prophet ﷺ and said: I married so and so and a black woman came to me and said: I breast-fed you both. He turned away from me so I came to him from the other side and said: She is lying. He said: "How can you be intimate with your wife when she says that she breast-fed you both? Leave her (divorce her)." (*Sahîh*)

٣٣٣٢ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ عَنْ أَيُّوبَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ قَالَ: حَدَّثَنِي عُبَيْدُ بْنُ أَبِي مَرْيَمَ عَنْ عُقْبَةَ بْنِ الْحَارِثِ قَالَ: وَقَدْ سَمِعْتُهُ مِنْ عُقْبَةَ وَلَكِنِّي لِحَدِيثِ عُبَيْدٍ أَحْفَظُ، قَالَ: تَزَوَّجْتُ امْرَأَةً فَجَاءَتْنَا امْرَأَةٌ سَوْدَاءُ فَقَالَتْ: إِنِّي قَدْ أَرْضَعْتُكُمَا، فَأَتَيْتُ النَّبِيَّ ﷺ فَأَخْبَرْتُهُ فَقُلْتُ: إِنِّي تَزَوَّجْتُ فُلَانَةَ بِنْتَ فُلَانٍ فَجَاءَتْنِي امْرَأَةٌ سَوْدَاءُ فَقَالَتْ: إِنِّي قَدْ أَرْضَعْتُكُمَا، فَأَعْرَضَ عَنِّي فَأَتَيْتُهُ مِنْ قِبَلِ وَجْهِهِ فَقُلْتُ: إِنَّهَا كَاذِبَةٌ، قَالَ: «وَكَيْفَ بِهَا وَقَدْ زَعَمَتْ أَنَّهَا قَدْ أَرْضَعَتْكُمَا؟ دَعْهَا عَنْكَ».

تخريج: أخرجه البخاري، النكاح، باب شهادة المرضعة، ح:٥١٠٤ من حديث إسماعيل ابن علية به، وهو في الكبرى، ح:٥٤٨٤ .

Comments:

'Leave her': because fosterage is a concealed matter. To find witnesses for it is not possible. It is specifically so when the breast-feeding woman is a slave-woman. This is because the slave women usually frequent houses. If they observe any child crying, they readily set about suckling it. Apparently, witnesses are not expected on such occasions. Therefore, seeking witnesses upon fosterage is futile. Rather, the claim of a nursing woman would be substantiated by swearing an oath.

Chapter 58. Marrying Those Whom One's Father Married

(المعجم ٥٨) - نِكَاحُ مَا نَكَحَ الْآبَاءُ

(التحفة ٥٨)

3333. It was narrated that Al-Barâ' said: "I met my maternal uncle who was carrying a flag (for an expedition) and I said: 'Where are you going?' He said: 'The Messenger of Allâh ﷺ is sending

٣٣٣٣ - أَخْبَرَنَا أَحْمَدُ بْنُ عُثْمَانَ بْنِ حَكِيمٍ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ صَالِحٍ عَنِ السُّدِّيِّ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنِ الْبَرَاءِ قَالَ: لَقِيتُ خَالِي وَمَعَهُ

me to a man who has married his father's wife after he died, to strike his neck or kill him.'" (*Sahîh*)

الرَّايَةُ فَقُلْتُ: أَيْنَ تُرِيدُ؟ قَالَ: أَرْسَلَنِي رَسُولُ اللهِ ﷺ إِلَى رَجُلٍ تَزَوَّجَ امْرَأَةَ أَبِيهِ مِنْ بَعْدِهِ أَنْ أَضْرِبَ عُنُقَهُ أَوْ أَقْتُلَهُ.

تخريج: [إسناده صحيح] أخرجه الترمذي، الأحكام، باب: فيمن تزوج امرأة أبيه، ح: ١٣٦٢ من حديث عدي به، وقال: "حسن غريب"، وصححه ابن الجارود، ح: ٦٨١، وله طرق عند أبي داود، ح: ٤٤٥٦، وابن حبان، ح: ١٥١٦، والترمذي، والحاكم: ٢/ ١٩١ وغيرهم، وانظر الحديث الآتي.

Comments:

'No one can marry one's own mother': This means the wife of one's father (stepmother). One might think she is not one's (real) mother, so one could marry her. That is why Allâh's Messenger ﷺ unequivocally negated it. The Command: "And do not marry the women whom your fathers married" (*An-Nisa*: 22) is applicable to one's paternal as well as maternal grandparents. This is because according to the custom prevalent in the society, they equal fathers. 'Strike his neck': Whether he had intercourse with her or not. This punishment is for the unlawful marriage.

3334. It was narrated from Yazîd bin Al-Barâ' that his father said: "I met my maternal uncle who was carrying a flag (for an expedition) and I said: 'Where are you going?' He said: 'The Messenger of Allâh ﷺ is sending me to a man who has married his father's wife, and he has commanded me to strike his neck (kill him) and seize his wealth.'" (*Sahîh*)

٣٣٣٤ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ بْنُ عَمْرٍو عَنْ زَيْدٍ، عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ يَزِيدَ بْنِ الْبَرَاءِ، عَنْ أَبِيهِ قَالَ: أَصَبْتُ عَمِّي وَمَعَهُ رَايَةٌ فَقُلْتُ: أَيْنَ تُرِيدُ؟ فَقَالَ: بَعَثَنِي رَسُولُ اللهِ ﷺ إِلَى رَجُلٍ نَكَحَ امْرَأَةَ أَبِيهِ فَأَمَرَنِي أَنْ أَضْرِبَ عُنُقَهُ وَآخُذَ مَالَهُ.

تخريج: [إسناده صحيح] أخرجه أبو داود، الحدود، باب: في الرجل يزني بحريمه، ح: ٤٤٥٧ من حديث عبيدالله بن عمرو به، وهو في الكبرٰى، ح: ٥٤٨٩، وانظر الحديث السابق * زيد هو ابن أبي أنيسة.

Comments:

1. 'A flag' means the banner of Allâh's Messenger ﷺ, which served as a sign that he had really been sent by the Messenger of Allâh ﷺ.
2. 'Seize his wealth': Committing marriage with the wife of one's father warrants capital punishment, and that his property shall be seized.

Chapter 59. Meaning Of The Saying Of Allâh, The Mighty And Sublime: "Also (Forbidden Are) Women Already Married, Except Those (Slaves) Whom Your Right Hands Possess."[1]

(المعجم ٥٩) - تَأْوِيلُ قَوْلِ اللهِ عَزَّ وَجَلَّ: ﴿وَٱلْمُحْصَنَٰتُ مِنَ ٱلنِّسَآءِ إِلَّا مَا مَلَكَتْ أَيْمَٰنُكُمْ﴾ [النساء: ٢٤] (التحفة ٥٩)

3335. It was narrated from Abû Sa'eed Al-Khudrî that the Prophet of Allâh ﷺ sent an army to Awṭâs. They met the enemy, fought them, and prevailed over them. They acquired female prisoners who had husbands among the idolaters. The Muslims felt reluctant to be intimate with them. Then Allâh, the Mighty and Sublime revealed: "Also (forbidden are) women already married, except those (slaves) whom your right hands possess,[2] meaning, this is permissible for you once they have completed their *'Iddah*. (*Ṣaḥîḥ*)

٣٣٣٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ أَبِي الْخَلِيلِ، عَنْ أَبِي عَلْقَمَةَ الْهَاشِمِيِّ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّ نَبِيَّ اللهِ ﷺ بَعَثَ جَيْشًا إِلَى أَوْطَاسٍ فَلَقُوا عَدُوًّا فَقَاتَلُوهُمْ وَظَهَرُوا عَلَيْهِمْ فَأَصَابُوا لَهُمْ سَبَايَا لَهُنَّ أَزْوَاجٌ فِي الْمُشْرِكِينَ فَكَانَ الْمُسْلِمُونَ تَحَرَّجُوا مِنْ غِشْيَانِهِنَّ، فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ: ﴿وَٱلْمُحْصَنَٰتُ مِنَ ٱلنِّسَآءِ إِلَّا مَا مَلَكَتْ أَيْمَٰنُكُمْ﴾ [النساء: ٢٤] أَيْ هٰذَا لَكُمْ حَلَالٌ إِذَا انْقَضَتْ عِدَّتُهُنَّ.

تخريج: أخرجه مسلم، الرضاع، باب جواز وطء المسبية بعد الاستبراء . . . إلخ، ح: ١٤٥٦ من حديث يزيد بن زريع به، وهو في الكبرى، ح: ٥٤٩٢ * سعيد هو ابن أبي عروبة، وتابعه شعبة عند مسلم .

Comments:

1. 'The Muslims felt reluctant' because they were married, and their husbands were alive.
2. 'Completed their *'Iddah*': And this waiting period is one menstrual cycle. If the menses start, sexual intercourse would be permitted when it ends. But if the menses stop coming, it would be indicative of pregnancy. Until the childbirth, sexual intercourse is not permitted, nor marriage.

Chapter 60. *Ash-Shighâr*[3]

(المعجم ٦٠) - **بَابُ الشِّغَارِ** (التحفة ٦٠)

3336. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade *Ash-Shighâr*. (*Ṣaḥîḥ*)

٣٣٣٦ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللهِ قَالَ: أَخْبَرَنِي نَافِعٌ

[1] *An-Nisâ'* 4:24.
[2] *An-Nisâ'* 4:24.
[3] It is explained in the following chapter.

عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنِ الشِّغَارِ.

تخريج: أخرجه البخاري، الحيل، باب الحيلة في النكاح، ح:٦٩٦٠، ومسلم، النكاح، باب تحريم نكاح الشغار وبطلانه، ح:٥٨/١٤١٥ عن عبيدالله بن سعيد به، وهو في الكبرى، ح:٥٤٩٤
* يحيى هو القطان.

Comments:

Ash-Shigâr is one of the many forms of marriage that prevailed during the time of ignorance. For details, see below

3337. It was narrated from 'Imrân bin Ḥuṣain that the Messenger of Allâh ﷺ said: "There is no 'bringing', no 'avoidance'[1] and no *Shighâr* in Islam, and whoever robs, he is not one of us." (***Ṣaḥîḥ***)

٣٣٣٧ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا بِشْرٌ قَالَ: حَدَّثَنَا حُمَيْدٌ عَنِ الْحَسَنِ، عَنْ عِمْرَانَ ابْنِ حُصَيْنٍ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا جَلَبَ وَلَا جَنَبَ وَلَا شِغَارَ فِي الْإِسْلَامِ، وَمَنِ انْتَهَبَ نُهْبَةً فَلَيْسَ مِنَّا».

تخريج: [صحيح] أخرجه ابن ماجه، الفتن، باب النهي عن النهبة، ح:٣٩٣٧ عن حميد بن مسعدة به، وهو في الكبرى، ح:٥٤٩٥، وقال الترمذي، ح:١١٢٣ "حسن صحيح" * بشر هو ابن المفضل، وحميد هو الطويل، وللحديث شواهد، انظر، ح:١٨٥٣ .

3338. It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'There is no 'bringing', no 'avoidance' and no *Shighâr* in Islam, and whoever robs, he is not one of us.'" (***Ṣaḥîḥ***)

Abû 'Abdur-Raḥmân said: This is a grave error and what is correct is the narration of Bishr.

٣٣٣٨ - أَخْبَرَنَا عَلِيُّ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ عَنِ الْفَزَارِيِّ، عَنْ حُمَيْدٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا جَلَبَ وَلَا جَنَبَ وَلَا شِغَارَ فِي الْإِسْلَامِ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا خَطَأٌ فَاحِشٌ وَالصَّوَابُ حَدِيثُ بِشْرٍ.

تخريج: [صحيح] وهو في الكبرى، ح:٥٤٩٦، والحديث السابق شاهد له * محمد بن كثير هو المصيصي، الفزاري هو إبراهيم بن محمد بن الحارث، وعلي بن محمد هو ابن أبي المضاء.

[1] Bringing (*Jalab*) and avoidance (*Janab*): meaning, the *Zakâh* collector should not stop in one place and demand that the people bring their goods and livestock to him to assess them and determine how much is due. Conversely, the people should not go to remote areas away from where they are expected to be, so that the *Zakâh* collector has to travel far and face undue hardship in doing his job.

Chapter 61. Explanation Of *Ash-Shighâr*

(المعجم ٦١) - **تَفْسِيرُ الشِّغَارِ** (التحفة ٦١)

3339. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade *Ash-Shighâr*. *Ash-Shighâr* means when a man marries his daughter to another man, on the condition that that man marries his daughter to him, and no dowry is exchanged between them. (*Sahîh*)

٣٣٣٩ - أَخْبَرَنَا هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ نَافِعٍ؛ ح وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ: قَالَ مَالِكٌ: حَدَّثَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الشِّغَارِ، وَالشِّغَارُ: أَنْ يُزَوِّجَ الرَّجُلُ الرَّجُلَ ابْنَتَهُ عَلَىٰ أَنْ يُزَوِّجَهُ ابْنَتَهُ وَلَيْسَ بَيْنَهُمَا صَدَاقٌ.

تخريج: أخرجه البخاري، النكاح، باب الشغار، ح:٥١١٢، ومسلم، النكاح، باب تحريم نكاح الشغار وبطلانه، ح:١٤١٥ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٥٣٥، والكبرى، ح:٥٤٩٧.

3340. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade *Ash-Shighâr*." (One of the narrators) 'Ubaidullâh said: "*Ash-Shighâr* means when a man gives his daughter in marriage on condition that (the other man) gives him his sister in marriage." (*Sahîh*)

٣٣٤٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ وَعَبْدُ الرَّحْمٰنِ بْنُ مُحَمَّدِ بْنِ سَلَّامٍ قَالَا: حَدَّثَنَا إِسْحَاقُ الْأَزْرَقُ عَنْ عُبَيْدِ اللهِ، عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللهِ ﷺ عَنِ الشِّغَارِ. قَالَ عُبَيْدُ اللهِ: وَالشِّغَارُ: كَانَ يُزَوِّجُ الرَّجُلُ ابْنَتَهُ عَلَى أَنْ يُزَوِّجَهُ أُخْتَهُ.

تخريج: أخرجه مسلم، ح:١٤١٦ (انظر الحديث السابق) من حديث عبيدالله بن عمر به، وهو في الكبرى، ح:٥٤٩٨.

Comments:

'Sister': This is just to illustrate the point. It might be the condition of the marriage of any, whether it be daughter or sister, brother's daughter, or sister's daughter. It makes no difference whatsoever.

Chapter 62. Marriage For *Sûrahs* Of The Qur'ân

(المعجم ٦٢) - **بَابُ التَّزْوِيجِ عَلَى سُوَرٍ مِنَ الْقُرْآنِ** (التحفة ٦٢)

3341. It was narrated from Sahl bin Sa'd that a woman came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, I have

٣٣٤١ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا يَعْقُوبُ عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ: أَنَّ امْرَأَةً جَاءَتْ رَسُولَ اللهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ!

come to offer myself to you (in marriage)." The Messenger of Allâh ﷺ looked her up and down then lowered his head. When the woman saw that he was not saying anything about her, she sat down. A man among his Companions stood up and said: "O Messenger of Allâh, if you do not want to marry her, then marry me to her." He said: "Do you have anything." He said: "No, by Allâh, I do not have anything." He said: "Look, even if it is only an iron ring." He went, then he came back and said: "No, by Allâh, O Messenger of Allâh, not even an iron ring, but this is my *Izâr* (lower garment)" – Sahl said: "He did not have a *Ridâ'* (upper garment)" – "she can have half of it." The Messenger of Allâh ﷺ said: "What could she do with your *Izâr*? If you wear it, she will not have any of it, and if she wears it, you will not have any of it." The man sat down for a long time, then he got up, and the Messenger of Allâh ﷺ saw him leaving, so he ordered that he be called back. When he came, he said: "What do you know of the Qur'ân?" He said: "I know *Sûrah* such-and-such, and *Sûrah* such-and-such," and listed them. He said: "Can you recite them by heart?" He said: "Yes." He said: "Then I marry you to her on the basis of what you know of the Qur'ân." (***Ṣaḥîḥ***)

جِئْتُ لِأَهَبَ نَفْسِي لَكَ، فَنَظَرَ إِلَيْهَا رَسُولُ اللهِ ﷺ فَصَعَّدَ النَّظَرَ إِلَيْهَا وَصَوَّبَهُ ثُمَّ طَأْطَأَ رَأْسَهُ، فَلَمَّا رَأَتِ الْمَرْأَةُ أَنَّهُ لَمْ يَقْضِ فِيهَا شَيْئًا جَلَسَتْ، فَقَامَ رَجُلٌ مِنْ أَصْحَابِهِ فَقَالَ: أَيْ رَسُولَ اللهِ! إِنْ لَمْ يَكُنْ لَكَ بِهَا حَاجَةٌ فَزَوِّجْنِيهَا، قَالَ: «هَلْ عِنْدَكَ مِنْ شَيْءٍ؟» فَقَالَ: لَا وَاللّٰهِ! مَا وَجَدْتُ شَيْئًا، فَقَالَ: «انْظُرْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ» فَذَهَبَ ثُمَّ رَجَعَ فَقَالَ: لَا وَاللّٰهِ! يَا رَسُولَ اللهِ! وَلَا خَاتَمًا مِنْ حَدِيدٍ وَلٰكِنْ هٰذَا إِزَارِي، - قَالَ سَهْلٌ: مَا لَهُ رِدَاءٌ - فَلَهَا نِصْفُهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «مَا تَصْنَعُ بِإِزَارِكَ إِنْ لَبِسْتَهُ لَمْ يَكُنْ عَلَيْهَا مِنْهُ شَيْءٌ وَإِنْ لَبِسَتْهُ لَمْ يَكُنْ عَلَيْكَ مِنْهُ شَيْءٌ» فَجَلَسَ الرَّجُلُ حَتَّى طَالَ مَجْلِسُهُ ثُمَّ قَامَ، فَرَآهُ رَسُولُ اللهِ ﷺ مُوَلِّيًا فَأَمَرَ بِهِ فَدُعِيَ، فَلَمَّا جَاءَ قَالَ: «مَاذَا مَعَكَ مِنَ الْقُرْآنِ؟» قَالَ: مَعِي سُورَةُ كَذَا وَسُورَةُ كَذَا عَدَّدَهَا، فَقَالَ: «هَلْ تَقْرَؤُهُنَّ عَنْ ظَهْرِ قَلْبٍ؟» قَالَ: نَعَمْ، قَالَ: «مَلَّكْتُكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ».

تخريج: أخرجه البخاري، فضائل القرآن، باب القراءة عن ظهر القلب، ح:٥٠٣٠، ومسلم، النكاح، باب الصداق وجواز كونه تعليم قرآن وخاتم حديد وغير ذلك ... إلخ، ح:١٤٢٥ عن قتيبة به، وهو في الكبرٰى، ح:٥٥٠٥ * يعقوب هو ابن عبدالرحمن القاريء.

Chapter 63. Marriage For Islam

(المعجم ٦٣) - التَّزْوِيجُ عَلَى الإِسْلَامِ (التحفة ٦٣)

3342. It was narrated that Anas said: "Abû Ṭalḥah married Umm Sulaim and the dowry between them was Islam. Umm Sulaim became Muslim before Abû Ṭalḥah, and he proposed to her but she said: 'I have become Muslim; if you become Muslim I will marry you.' So he became Muslim, and that was the dowry between them." (*Ṣaḥîḥ*)

٣٣٤٢ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا مُحَمَّدُ ابْنُ مُوسَى عَنْ عَبْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسٍ قَالَ: تَزَوَّجَ أَبُو طَلْحَةَ أُمَّ سُلَيْمٍ فَكَانَ صَدَاقُ مَا بَيْنَهُمَا الْإِسْلَامُ، أَسْلَمَتْ أُمُّ سُلَيْمٍ قَبْلَ أَبِي طَلْحَةَ فَخَطَبَهَا فَقَالَتْ: إِنِّي قَدْ أَسْلَمْتُ، فَإِنْ أَسْلَمْتَ نَكَحْتُكَ، فَأَسْلَمَ فَكَانَ صِدَاقَ مَا بَيْنَهُمَا.

تخريج: [إسناده صحيح] أخرجه ابن سعد: ٨/٤٢٦ من حديث محمد بن موسى الفطري به، وهو في الكبرى، ح: ٥٥٠٣.

Comments:

It transpires from this *Hadîth* that there was no other dower, except for Abû Talhah's Islam. The upcoming narrations further elucidate it. Therefore, any gain or benefit could become a dower; it could either be religious or worldly, as there is mention of the teaching of the Glorious Qur'ân in the previous narration.

3343. It was narrated that Anas said: "Abû Ṭalḥah proposed marriage to Umm Sulaim and she said: 'By Allâh, a man like you is not to be rejected, O Abû Ṭalḥah, but you are a disbeliever and I am a Muslim, and it is not permissible for me to marry you. If you become Muslim, that will be my dowry, and I will not ask you for anything else.' So he became Muslim and that was her dowry." (one of the narrators) Thâbit said: "I have never heard of a woman whose dowry was more precious than Umm Sulaim (whose dowry was) Islam. And he consummated the marriage with her, and she bore him a child." (*Ḥasan*)

٣٣٤٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ النَّضْرِ بْنِ مُسَاوِرٍ قَالَ: أَخْبَرَنَا جَعْفَرُ بْنُ سُلَيْمَانَ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: خَطَبَ أَبُو طَلْحَةَ أُمَّ سُلَيْمٍ فَقَالَتْ: وَاللهِ! مَا مِثْلُكَ يَا أَبَا طَلْحَةَ! يُرَدُّ، وَلٰكِنَّكَ رَجُلٌ كَافِرٌ وَأَنَا امْرَأَةٌ مُسْلِمَةٌ، وَلَا يَحِلُّ لِي أَنْ أَتَزَوَّجَكَ، فَإِنْ تُسْلِمْ فَذَاكَ مَهْرِي وَلَا أَسْأَلُكَ غَيْرَهُ، فَأَسْلَمَ فَكَانَ ذٰلِكَ مَهْرَهَا، قَالَ ثَابِتٌ: فَمَا سَمِعْتُ بِامْرَأَةٍ قَطُّ كَانَتْ أَكْرَمَ مَهْرًا مِنْ أُمِّ سُلَيْمٍ الْإِسْلَامَ، فَدَخَلَ بِهَا فَوَلَدَتْ لَهُ.

تخريج: [إسناده حسن] وهو في الكبرى، ح: ٥٥٠٤.

Comments:

This *Hadîth* clearly indicates that there was no dower except Islam. So to say, if the woman consents, such religious gain or benefit could also become a dower. Wealth is not essential.

Chapter 64. Marriage For Manumission

(المعجم ٦٤) - التَّزْوِيجُ عَلَى الْعِتْقِ

(التحفة ٦٤)

3344. It was narrated from Anas that the Messenger of Allâh ﷺ manumitted Ṣafiyyah and made that her dowry. (*Ṣaḥîḥ*)

٣٣٤٤ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ وَعَبْدِ الْعَزِيزِ - يَعْنِي ابْنَ صُهَيْبٍ -، عَنْ أَنَسِ بْنِ مَالِكٍ؛ ح وَأَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ ثَابِتٍ وَشُعَيْبٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللهِ ﷺ أَعْتَقَ صَفِيَّةَ وَجَعَلَهُ صَدَاقَهَا.

تخريج:أخرجه مسلم، النكاح، باب فضيلة إعتاقه أمته ثم يتزوجها، ح:١٣٦٥/ ٨٥ عن قتيبة، والبخاري، صلوة الخوف، باب التكبير والغلس بالصبح والصلوة عند الإغارة والحرب، ح:٩٤٧ من حديث عبدالعزيز، والبخاري، ح:٥٠٨٦، ومسلم عن قتيبة به، بالسند الثاني، وهو في الكبرٰى، ح:٥٤٩٩ * حماد هو ابن زيد، وشعيب هو ابن الحبحاب.

Comments:

The Hanafites, etc., do not consider this method adequate. They consider the afore-mentioned incident specifically affiliated to the Prophet ﷺ. The noble Companions, however, did not particularise it.

3345. It was narrated from Anas that the Messenger of Allâh ﷺ manumitted Ṣafiyyah and made her freedom her dowry. (*Ṣaḥîḥ*)

This is the wording of Muḥammad (one of the narrators).

٣٣٤٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ قَالَ: حَدَّثَنَا سُفْيَانُ؛ ح وَأَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ يُونُسَ، عَنِ ابْنِ الْحَبْحَابِ، عَنْ أَنَسٍ: أَعْتَقَ رَسُولُ اللهِ ﷺ صَفِيَّةَ وَجَعَلَ عِتْقَهَا مَهْرَهَا. وَاللَّفْظُ لِمُحَمَّدٍ.

تخريج:أخرجه مسلم، ح:١٣٦٥/ ٨٥ عن محمد بن رافع به (انظر الحديث السابق)، وهو في الكبرٰى، ح:٥٥٠٠ * سفيان هو الثوري، ويونس هو ابن عبيد.

Chapter 65. A Man Manumitting His Slave Woman, Then Marrying Her

(المعجم ٦٥) - عِتْقُ الرَّجُلِ جَارِيَتَهُ ثُمَّ يَتَزَوَّجُهَا (التحفة ٦٥)

3346. It was narrated that Abû Mûsa said: "The Messenger of Allâh ﷺ said: 'There are three who will be given a twofold reward: A man who has a slave woman whom he disciplines and disciplines her well, and teaches and teaches her well, then he manumits her and marries her; a slave who fulfills his duty toward Allâh and toward his masters; and a believer from among the People of the Book.'" (*Sahîh*)

٣٣٤٦ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ قَالَ: حَدَّثَنِي صَالِحُ بْنُ صَالِحٍ عَنْ عَامِرٍ، عَنْ أَبِي بُرْدَةَ بْنِ أَبِي مُوسَى، عَنْ أَبِي مُوسَى قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «ثَلَاثَةٌ يُؤْتَوْنَ أَجْرَهُمْ مَرَّتَيْنِ: رَجُلٌ كَانَتْ لَهُ أَمَةٌ فَأَدَّبَهَا فَأَحْسَنَ أَدَبَهَا وَعَلَّمَهَا فَأَحْسَنَ تَعْلِيمَهَا ثُمَّ أَعْتَقَهَا وَتَزَوَّجَهَا، وَعَبْدٌ يُؤَدِّي حَقَّ اللهِ وَحَقَّ مَوَالِيهِ، وَمُؤْمِنُ أَهْلِ الْكِتَابِ».

تخريج: أخرجه البخاري، العلم، باب تعليم الرجل أمته وأهله، ح:٩٧، ومسلم، الإيمان، باب وجوب الإيمان برسالة نبينا محمد ﷺ إلى جميع الناس و نسخ الملل بملته، ح:١٥٤/٢٤١ من حديث صالح به، وهو في الكبرٰى، ح:٥٥٠٢ * عامر هو الشعبي، وابن أبي زائدة هو يحيى.

Comments:

1. 'Twofold reward': This is because they have performed a twofold righteous deed: emancipation and marriage.
2. 'Marry her': means with her consent. Thereupon, whether he pays her the dower, or an agreement is finally reached between them, then the emancipation would be considered the dower.

3347. It was narrated that Abû Mûsa said: "The Messenger of Allâh ﷺ said: 'Whoever manumits his female slave, then marries her, he will have two rewards.'" (*Sahîh*)

٣٣٤٧ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنْ أَبِي زُبَيْدٍ عَبْثَرَ بْنِ الْقَاسِمِ، عَنْ مُطَرِّفٍ، عَنْ عَامِرٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَعْتَقَ جَارِيَتَهُ ثُمَّ تَزَوَّجَهَا فَلَهُ أَجْرَانِ».

تخريج: أخرجه البخاري، العتق، باب فضل من أدب جاريته وعلّمها، ح:٢٥٤٤، ومسلم، النكاح، باب فضيلة إعتاقه أمته ثم يتزوجها، ح:١٥٤/٨٦ من حديث مطرف بن طريف به، وهو في الكبرٰى، ح:٥٥٠١.

Comments:

This is because commitment of marriage after the emancipation is also a favor. Moreover, it is the charity of the two spouses or the couple.

Chapter 66. Fairness In Giving Dowries

3348. 'Urwah bin Az-Zubair narrated that he asked 'Âishah about the saying of Allâh, the Mighty and Sublime: "And if you fear that you shall not be able to deal justly with the orphan girls then marry (other) women of your choice.[1] She said: "O son of my sister, this refers to a female orphan who is in the care of her guardian, and her wealth is joined to his, and he is attracted to her wealth and her beauty. So her guardian wants to marry her without being fair with regard to her dowry, and without giving her what someone else would give her. So they were forbidden to marry them unless they were fair to them and gave them the highest possible dowry that is customarily given, and they were commanded to marry other women of their choice." 'Urwah said: "Âishah said: 'Then later on, Allâh, the Mighty and Sublime, revealed concerning them: 'They ask your legal instruction concerning women, say: Allâh instructs you about them, and about what is recited unto you in the Book concerning the orphan girls whom you give not the prescribed portions and yet whom you desire to marry.'[2] 'Âishah said: 'What Allâh, Most High, mentioned here that is recited in the Book is the first Verse in which it says: And if you

(المعجم ٦٦) - القِسْطُ فِي الأَصْدِقَةِ

(التحفة ٦٦)

٣٣٤٨ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الأَعْلَى وَسُلَيْمَانُ بْنُ دَاوُدَ عَنِ ابْنِ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّهُ سَأَلَ عَائِشَةَ عَنْ قَوْلِ اللهِ عَزَّ وَجَلَّ ﴿وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَى فَانْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ﴾ [النساء: ٣] قَالَتْ: يَا ابْنَ أُخْتِي! هِيَ الْيَتِيمَةُ تَكُونُ فِي حَجْرِ وَلِيِّهَا فَتُشَارِكُهُ فِي مَالِهِ فَيُعْجِبُهُ مَالُهَا وَجَمَالُهَا فَيُرِيدُ وَلِيُّهَا أَنْ يَتَزَوَّجَهَا بِغَيْرِ أَنْ يُقْسِطَ فِي صَدَاقِهَا فَيُعْطِيَهَا مِثْلَ مَا يُعْطِيهَا غَيْرُهُ، فَنُهُوا أَنْ يَنْكِحُوهُنَّ إِلَّا أَنْ يُقْسِطُوا لَهُنَّ وَيَبْلُغُوا بِهِنَّ أَعْلَى سُنَّتِهِنَّ مِنَ الصَّدَاقِ، فَأُمِرُوا أَنْ يَنْكِحُوا مَا طَابَ لَهُمْ مِنَ النِّسَاءِ سِوَاهُنَّ، قَالَ عُرْوَةُ: قَالَتْ عَائِشَةُ: ثُمَّ إِنَّ النَّاسَ اسْتَفْتَوْا رَسُولَ اللهِ ﷺ بَعْدُ فِيهِنَّ فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ ﴿وَيَسْتَفْتُونَكَ فِي النِّسَاءِ قُلِ اللَّهُ يُفْتِيكُمْ فِيهِنَّ﴾ إِلَى قَوْلِهِ: ﴿وَتَرْغَبُونَ أَنْ تَنْكِحُوهُنَّ﴾ [النساء: ١٢٧] قَالَتْ عَائِشَةُ: وَالَّذِي ذَكَرَ اللهُ تَعَالَى أَنَّهُ يُتْلَى فِي الْكِتَابِ الآيَةُ الأُولَى الَّتِي فِيهَا ﴿وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَى فَانْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ﴾ قَالَتْ عَائِشَةُ: وَقَوْلُ اللهِ فِي الآيَةِ الأُخْرَى ﴿وَتَرْغَبُونَ أَنْ تَنْكِحُوهُنَّ﴾ رَغْبَةَ أَحَدِكُمْ عَنْ يَتِيمَتِهِ الَّتِي تَكُونُ فِي حِجْرِهِ حِينَ

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[1] *An-Nisâ'* 4:3.

[2] *An-Nisâ'* 4:127.

fear that you shall not be able to deal justly with orphan girls then marry (other) women of your choice.'[1] 'Âishah said: 'What is referred to in the other Verse – and yet whom you desire to marry[2] – is the desire of one of you not to marry orphan girl who is under his care if she is lacking in wealth and beauty. So they were forbidden to marry those orphan women to whose wealth they were attracted unless they were fair, because of their desire not to marry (those who were lacking in wealth and beauty).'" (*Sahîh*)

تَكُونُ قَلِيلَةَ الْمَالِ وَالْجَمَالِ، فَنُهُوا أَنْ يَنْكِحُوا مَا رَغِبُوا فِي مَالِهَا [مِنْ] يَتَامَى النِّسَاءِ إِلَّا بِالْقِسْطِ مِنْ أَجْلِ رَغْبَتِهِمْ عَنْهُنَّ.

تخريج: أخرجه مسلم، التفسير، ح:٣٠١٨/٦ من حديث ابن وهب، والبخاري، الشركة، باب شركة اليتيم وأهل الميراث، ح:٢٤٩٤ من حديث يونس بن يزيد به، وهو في الكبرٰى، ح:٥٥١٤.

Comments:

We learn the dower of women ought to be such that it does not take advantage of their social status.

3349. It was narrated that Abû Salamah said: "I asked 'Âishah about that and she said: 'The Messenger of Allâh ﷺ got married (and married his daughters) for twelve *Uqiyah* and a *Nashsh*'" which is five hundred *Dirhams*. (*Sahîh*)

٣٣٤٩ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ يَزِيدَ بْنِ عَبْدِ اللهِ بْنِ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ قَالَ: سَأَلْتُ عَائِشَةَ عَنْ ذٰلِكَ فَقَالَتْ: فَعَلَ رَسُولُ اللهِ ﷺ عَلَى اثْنَتَيْ عَشْرَةَ أُوقِيَّةً وَنَشٍّ وَذٰلِكَ خَمْسُمِائَةِ دِرْهَمٍ.

تخريج: أخرجه مسلم، النكاح، باب الصداق وجواز كونه تعليم قرآن وخاتم حديد وغير ذلك ... إلخ، ح:١٤٢٦ عن إسحاق بن راهويه به، وهو في الكبرٰى، ح:٥٥١٣.

3350. It was narrated that Abû Hurairah said: "The dowry, when the Messenger of Allâh ﷺ was among us, was ten *Awâq*." (*Sahîh*)

٣٣٥٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ بْنُ مَهْدِيٍّ قَالَ: حَدَّثَنَا دَاوُدُ بْنُ قَيْسٍ عَنْ مُوسَى بْنِ

[1] *An-Nisâ'* 4:3.
[2] *An-Nisâ'* 4:127.

يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ الصَّدَاقُ إِذْ كَانَ فِينَا رَسُولُ اللهِ ﷺ عَشْرَةَ أَوَاقٍ.

تخريج: [**إسناده صحيح**] أخرجه أحمد: ٢/ ٣٦٧ من حديث داود به، وهو في الكبرى، ح: ٥٥١٠، وصححه ابن حبان، ح: ١٢٦٠ من حديث ابن مهدي، والحاكم: ٢/ ١٧٥، ووافقه الذهبي.

Comments:

'Ten *Uqiyyah*': Twelve and a half *Uqiyyah* has reported above. The fractions might probably have been dropped, or the dower in general might be that much! The dower for the Messenger of Allâh ﷺ might have been five hundred dirhams (silver coins) in view of his specific status. Ten *Uqiyyah* equal four hundred dirhams. This is not the prescribed measure or amount of the dower. It rather might have been an appropriate measure of dower according to the customary practice. Its measure would rise and fall based upon circumstances.

3351. It was narrated that Abû Al-'Ajfâ' said: "Umar bin Al-Khaṭṭâb said: 'Do not go to extremes with regard to the dowries of women, for if that were a sign of honor and dignity in this world, or a sign of piety before Allâh, the Mighty and Sublime, then Muḥammad ﷺ would have done that before you. But he did not give any of his wives, and none of his daughters were given, more than twelve *Uqiyyah*. A man may increase the dowry until he feels resentment against her and says: You cost me everything I own (*'Alaqul-Qirbah*)'" 'And I was a man born among the 'Arabs,[1] but I did not know the meaning of *'Alaqul-Qirbah*'[2] and

٣٣٥١ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرِ بْنِ إِيَاسِ ابْنِ مُقَاتِلِ بْنِ مُشَمْرِخِ بْنِ خَالِدٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَيُّوبَ وَابْنِ عَوْنٍ وَسَلَمَةَ بْنِ عَلْقَمَةَ وَهِشَامِ بْنِ حَسَّانَ - دَخَلَ حَدِيثُ بَعْضِهِمْ فِي بَعْضٍ - عَنْ مُحَمَّدِ بْنِ سِيرِينَ - قَالَ سَلَمَةُ: عَنِ ابْنِ سِيرِينَ: نُبِّئْتُ عَنْ أَبِي الْعَجْفَاءِ. وَقَالَ الْآخَرُونَ: عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أَبِي الْعَجْفَاءِ - قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: أَلَا لَا تَغْلُوا صُدُقَ النِّسَاءِ، فَإِنَّهُ لَوْ كَانَ مَكْرُمَةً فِي الدُّنْيَا أَوْ تَقْوَى عِنْدَ اللهِ عَزَّ وَجَلَّ كَانَ أَوْلَاكُمْ بِهِ النَّبِيُّ ﷺ، مَا أَصْدَقَ رَسُولُ اللهِ ﷺ امْرَأَةً مِنْ نِسَائِهِ وَلَا أُصْدِقَتِ امْرَأَةٌ مِنْ بَنَاتِهِ أَكْثَرَ مِنْ

[1] In *Musnad Al-Ḥumaidî* (23) it is: "And I was a young man."

[2] Meaning, due to the ambiguity of the expression: *'Alaqul-Qirbah*. A *Qirbah* is a very large water skin that only a very strong man could carry. So the meaning is that I gave you everything until I even carried a giant water skin to your family, or, did so much that I even sweated enough to fill such a water-skin. In *Al-'Ilal wa Ma'rifat Ar-Rijâl* (No. 95) Aḥmad narrated regarding this, from Sufyân, who is one of those who narrated this *Ḥadîth* as recorded by others: "Until I carried a *Qirbah* from far away."

ثِنْتَيْ عَشْرَةَ أُوقِيَّةً، وَإِنَّ الرَّجُلَ لَيُغَالِي بِصَدُقَةِ امْرَأَتِهِ حَتَّى يَكُونَ لَهَا عَدَاوَةٌ فِي نَفْسِهِ، وَحَتَّى يَقُولَ: كُلِّفْتُ لَكُمْ عِلْقَ الْقِرْبَةِ، - وَكُنْتُ غُلَامًا عَرَبِيًّا مُوَلَّدًا فَلَمْ أَدْرِ مَا عِلْقُ الْقِرْبَةِ - قَالَ: وَأُخْرَى يَقُولُونَهَا - لِمَنْ قُتِلَ فِي مَغَازِيكُمْ هذِهِ أَوْ مَاتَ - قُتِلَ فُلَانٌ شَهِيدًا أَوْ مَاتَ فُلَانٌ شَهِيدًا وَلَعَلَّهُ أَنْ يَكُونَ قَدْ أَوْقَرَ عَجُزَ دَابَّتِهِ أَوْ دَفَّ رَاحِلَتِهِ ذَهَبًا أَوْ وَرِقًا يَطْلُبُ التِّجَارَةَ، فَلَا تَقُولُوا ذَاكُمْ، وَلَكِنْ قُولُوا كَمَا قَالَ النَّبِيُّ ﷺ: «مَنْ قُتِلَ فِي سَبِيلِ اللهِ أَوْ مَاتَ فَهُوَ فِي الْجَنَّةِ».

others of you are saying – about those killed in this or that battle of yours, or who died: "So-and so was martyred,' or 'so and so died as a martyr.' While perhaps he merely overloaded the backside of his beast, or lined his saddle with gold or silver seeking trade. So do not say that, rather say as the Prophet ﷺ said: 'Whoever is killed in the cause of Allâh, or dies, then he is in Paradise.'" (***Ḥasan***)

تخريج: [حسن] أخرجه أحمد: ١/ ٤٠، ٤١ عن إسماعيل (هو ابن علية) به، وهو في الكبرٰى، ح: ٥٥١١، وأخرجه أبو داود، ح: ٢١٠٦، والترمذي، ح: ١١١٤ من حديث أيوب به، وقال الترمذي: "حسن صحيح"، وصححه الحاكم: ٢/ ١٠٩، ١٧٥، ١٧٦، ووافقه الذهبي * ابن سيرين سمعه من أبي العجفاء ومن ابنه فالطريقان محفوظان.

Comments:

'Twelve': mean twelve and a half as has preceded in another *Ḥadîth*. However, the fractions have been dropped here. This narration also demonstrates the abhorrence of calling so-and-so "*Shahîd*" as clearly indicated and prohibited by the statement of 'Umar, in spite of whoever opposes him after him.

٣٣٥٢ - أَخْبَرَنَا الْعَبَّاسُ بْنُ مُحَمَّدٍ الدُّورِيُّ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ الْحَسَنِ بْنِ شَقِيقٍ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ الْمُبَارَكِ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ أُمِّ حَبِيبَةَ: أَنَّ رَسُولَ اللهِ ﷺ تَزَوَّجَهَا وَهِيَ بِأَرْضِ الْحَبَشَةِ، زَوَّجَهَا النَّجَاشِيُّ وَأَمْهَرَهَا أَرْبَعَةَ آلَافٍ وَجَهَّزَهَا مِنْ عِنْدِهِ وَبَعَثَ بِهَا مَعَ شُرَحْبِيلَ بْنِ حَسَنَةَ وَلَمْ يَبْعَثْ إِلَيْهَا رَسُولُ اللهِ ﷺ بِشَيْءٍ، وَكَانَ مَهْرُ نِسَائِهِ أَرْبَعَمِائَةِ دِرْهَمٍ.

3352. It was narrated from Umm Ḥabîbah that the Messenger of Allâh ﷺ married her when she was in Ethiopia. An-Najâshî performed the marriage for her and gave her a dowry of four thousand, and he fitted her out from his own wealth, and sent her with Shuraḥbîl bin Ḥasanah. The Messenger of Allâh ﷺ did not send her anything, and the dowry of his wives was four hundred *Dirhams*. (*Ḍa'îf*)

تخريج: [إسناده ضعيف] أخرجه أبو داود، النكاح، باب: في الولي، ح:٢٠٨٦ من حديث معمر به، وهو في الكبرى، ح:٥٥١٢ * الزهري عنعن.

Comments:

'She was in Ethiopia': In reality, she had emigrated to Ethiopia along with her husband Ubaidullah bin Jahsh. A little later, Ubaidullah bin Jahsh became a Christian, and died in the state of apostasy. Umm Habibah remained constant in Islam. When Allâh's Messenger ﷺ came to know about the course of events, he sent 'Amr bin Umayyah Ad-Dhamari to An-Najâshî, the emperor of Ethiopia, with his marriage proposal to her.

Chapter 67. Marriage For A *Nawâh* Of Gold (Five *Dirhams*)

(المعجم ٦٧) - التَّزْوِيجُ عَلَى نَوَاةٍ مِنْ ذَهَبٍ (التحفة ٦٧)

3353. It was narrated from Anas bin Mâlik that 'Abdur-Rahmân bin 'Awf came to the Prophet ﷺ with traces of yellow perfume on him. The Messenger of Allâh ﷺ asked him (about that) and he told him that he had married a woman from among the Ansâr. The Messenger of Allâh ﷺ said: "How much did you give her?" He said: "A *Nawâh* (five *Dirhams*) of gold." The Messenger of Allâh ﷺ said: "Give a *Walîmah* (wedding feast) even if it is with one sheep." (*Sahîh*)

٣٣٥٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ وَاللَّفْظُ لِمُحَمَّدٍ عَنِ ابْنِ الْقَاسِمِ، عَنْ مَالِكٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ عَبْدَ الرَّحْمٰنِ بْنَ عَوْفٍ جَاءَ إِلَى النَّبِيِّ ﷺ وَبِهِ أَثَرُ الصُّفْرَةِ، فَسَأَلَهُ رَسُولُ اللهِ ﷺ فَأَخْبَرَهُ أَنَّهُ تَزَوَّجَ امْرَأَةً مِنَ الْأَنْصَارِ، فَقَالَ رَسُولُ اللهِ ﷺ: «كَمْ سُقْتَ إِلَيْهَا؟» قَالَ: زِنَةَ نَوَاةٍ مِنْ ذَهَبٍ، قَالَ رَسُولُ اللهِ ﷺ: «أَوْلِمْ وَلَوْ بِشَاةٍ».

تخريج: أخرجه البخاري، النكاح، باب الصفرة للمتزوج، ح:٥١٥٣ من حديث مالك به، وهو في الكبرى، ح:٥٥٠٨، والموطأ (يحيى):٢/٥٤٥، وأخرجه مسلم، ح:١٤٢٧/٨١ من حديث حميد وغيره به.

Comments:

1. 'He married a woman from Al-Ansâr': Some of the saffron or the like which she was wearing, got on him.
2. "*Nawâh*" was a weight of gold. Its value was three or according to some people, five dirhams. In other words, the dower could be that amount.

3354. 'Abdur-Rahmân bin 'Awf said: "The Messenger of Allâh ﷺ saw me looking cheerful as I had just got married." I said: "I have gotten married to a woman of the

٣٣٥٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا النَّضْرُ بْنُ شُمَيْلٍ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ صُهَيْبٍ قَالَ: سَمِعْتُ

أَنَسًا يَقُولُ: قَالَ عَبْدُ الرَّحْمٰنِ بْنُ عَوْفٍ: رَآنِي رَسُولُ اللهِ ﷺ وَعَلَيَّ بَشَاشَةُ الْعُرْسِ فَقُلْتُ: تَزَوَّجْتُ امْرَأَةً مِنَ الْأَنْصَارِ، قَالَ: «كَمْ أَصْدَقْتَهَا؟» قَالَ: زِنَةَ نَوَاةٍ مِنْ ذَهَبٍ.

Anṣâr." He said: "How much did you give her as a dowry?" He said: "A *Nawâh* (five *Dirhams*) of gold." (***Ṣaḥîḥ***)

تخريج: أخرجه مسلم، النكاح، باب الصداق وجواز كونه تعليم قرآن وخاتم حديد وغير ذلك ... إلخ، ح:٨٢/١٤٢٧ عن إسحاق بن إبراهيم (وهو ابن راهوية) به، وهو في الكبرٰى، ح:٥٥٠٧.

٣٣٥٥ - أَخْبَرَنَا هِلَالُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا حَجَّاجٌ قَالَ ابْنُ جُرَيْجٍ: حَدَّثَنِي عَمْرُو ابْنُ شُعَيْبٍ؛ ح وَأَخْبَرَنِي عَبْدُ اللهِ بْنُ مُحَمَّدِ ابْنِ تَمِيمٍ قَالَ: سَمِعْتُ حَجَّاجًا يَقُولُ: قَالَ ابْنُ جُرَيْجٍ: عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللهِ بْنِ عَمْرٍو: أَنَّ النَّبِيَّ ﷺ قَالَ: «أَيُّمَا امْرَأَةٍ نُكِحَتْ عَلَى صَدَاقٍ أَوْ حِبَاءٍ أَوْ عِدَةٍ قَبْلَ عِصْمَةِ النِّكَاحِ فَهُوَ لَهَا، وَمَا كَانَ بَعْدَ عِصْمَةِ النِّكَاحِ فَهُوَ لِمَنْ أَعْطَاهُ، وَأَحَقُّ مَا أُكْرِمَ عَلَيْهِ [الرَّجُلُ] ابْنَتُهُ أَوْ أُخْتُهُ». اللَّفْظُ لِعَبْدِ اللّٰهِ.

3355. It was narrated from 'Abdur-Raḥmân bin 'Amr: "The Messenger of Allâh ﷺ said: 'Whatever is given as a dowry, or gift or is promised her before the marriage belongs to her. Whatever is given after the marriage belongs to the one to whom it was given. And the most deserving for which a (man) is to be honored is (when marrying off) his daughter or sister.'" This is the wording of 'Abdullâh (one of the narrators). (***Ḥasan***)

تخريج: [إسناده حسن] أخرجه أبو داود، النكاح، باب: في الرجل يدخل بامرإته قبل أن ينقدها شيئًا، ح:٢١٢٩ من حديث ابن جريج به، وهو في الكبرٰى، ح:٥٥٠٩ * حجاج هو ابن محمد.

(المعجم ٦٨) - إِبَاحَةُ التَّزْوِيجِ بِغَيْرِ صَدَاقٍ (التحفة ٦٨)

Chapter 68. Permission To Get Married Without A Dowry

٣٣٥٦ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ مُحَمَّدِ ابْنِ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا أَبُو سَعِيدٍ عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ عَنْ زَائِدَةَ بْنِ قُدَامَةَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ وَالْأَسْوَدِ قَالَا: أُتِيَ عَبْدُ اللهِ فِي رَجُلٍ تَزَوَّجَ امْرَأَةً وَلَمْ

3356. It was narrated that 'Alqamah and Al-Aswad said: "A man was brought to 'Abdullâh who had married a woman without naming a dowry for her, then he died before consummating the marriage with her. 'Abdullâh said: 'Ask whether they can find any

report about that.' They said: 'O Abû 'Abdur-Raḥmân, we cannot find any report about that.' He said: 'I will say what I think, and if it is correct then it is from Allâh. She should have a dowry like that of her peers and no less, with no injustice, and she may inherit from him, and she has to observe the *'Iddah*.' A man from Ashja' stood up and said: 'The Messenger of Allâh ﷺ passed a similar judgment among us concerning a woman called Birwa' bint Wâshiq. She married a man who died before consummating the marriage with her, and the Messenger of Allâh ﷺ ruled that she should be given a dowry like that of her peers, and she could inherit, and she had to observe the *'Iddah*.' 'Abdullâh raised his hands and said the *Takbîr*." (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: I do not know anyone who said "Al-Aswâd" in this *Ḥadîth*, other than Zâ'idah.

يَفْرِضْ لَهَا فَتُوُفِّيَ قَبْلَ أَنْ يَدْخُلَ بِهَا، فَقَالَ عَبْدُ اللَّهِ: سَلُوا هَلْ تَجِدُونَ فِيهَا أَثَرًا؟ قَالُوا: يَا أَبَا عَبْدِ الرَّحْمٰنِ! مَا نَجِدُ فِيهَا - يَعْنِي أَثَرًا - قَالَ: أَقُولُ بِرَأْيِي فَإِنْ كَانَ صَوَابًا فَمِنَ اللهِ، لَهَا كَمَهْرِ نِسَائِهَا، لَا وَكْسَ وَلَا شَطَطَ، وَلَهَا الْمِيرَاثُ، وَعَلَيْهَا الْعِدَّةُ، فَقَامَ رَجُلٌ مِنْ أَشْجَعَ فَقَالَ: فِي مِثْلِ هٰذَا قَضَى رَسُولُ اللهِ ﷺ فِينَا فِي امْرَأَةٍ يُقَالُ لَهَا بِرْوَعُ بِنْتُ وَاشِقٍ، تَزَوَّجَتْ رَجُلًا فَمَاتَ قَبْلَ أَنْ يَدْخُلَ بِهَا، فَقَضَى لَهَا رَسُولُ اللهِ ﷺ بِمِثْلِ صَدَاقِ نِسَائِهَا، وَلَهَا الْمِيرَاثُ، وَعَلَيْهَا الْعِدَّةُ، فَرَفَعَ عَبْدُ اللهِ يَدَيْهِ وَكَبَّرَ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: لَا أَعْلَمُ أَحَدًا قَالَ فِي هٰذَا الْحَدِيثِ: الأَسْوَدِ غَيْرَ زَائِدَةَ.

تخريج: [صحيح] أخرجه أبو داود، النكاح، باب: فيمن تزوج ولم يسم لها صداقًا حتى مات، ح:٢١١٥، والترمذي، ح:١١٤٥ وغيرهما من حديث منصور بن المعتمر به، وهو في الكبرى، ح:٥٥١٥، وقال الترمذي: "حسن صحيح"، وصححه البيهقي:٧/ ٢٤٥، وله شاهد يأتي بعده، ح:٣٣٥٧ و٣٣٦٠.

Comments:

A marriage could be concluded without fixing the dower. But the dower should be determined, agreed, and paid even after conducting the marriage. If the dower is negated, the marriage would be invalid.

3357. It was narrated from 'Abdullâh that a woman was brought to him who had married a man then he had died without naming any dowry for her and without consummating the marriage with her. They kept coming to him for

٣٣٥٧ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ: أَنَّهُ أُتِيَ فِي امْرَأَةٍ تَزَوَّجَهَا رَجُلٌ فَمَاتَ عَنْهَا وَلَمْ

nearly a month, and he did not issue any ruling to them. Then he said: "I think that she should have a dowry like that of her peers no less, with no injustice and she may inherit from him and she has to observe the *'Iddah*." Ma'qil bin Sinân Al-Ashja'î testified: "The Messenger of Allâh ﷺ passed a similar judgment concerning Birwa' bint Wâshiq." (*Ṣaḥîḥ*)

يَفْرِضْ لَهَا صَدَاقًا وَلَمْ يَدْخُلْ بِهَا، فَاخْتَلَفُوا إِلَيْهِ قَرِيبًا مِنْ شَهْرٍ لَا يُفْتِيهِمْ، ثُمَّ قَالَ: أَرَى لَهَا صَدَاقَ نِسَائِهَا لَا وَكْسَ وَلَا شَطَطَ، وَلَهَا الْمِيرَاثُ، وَعَلَيْهَا الْعِدَّةُ، فَشَهِدَ مَعْقِلُ بْنُ سِنَانَ الْأَشْجَعِيُّ أَنَّ رَسُولَ اللهِ ﷺ قَضَى فِي بِرْوَعَ بِنْتِ وَاشِقٍ بِمِثْلِ مَا قَضَيْتَ.

تخريج: [صحيح] أخرجه أبو داود، والترمذي من حديث يزيد بن هارون به (انظر الحديث السابق)، وهو في الكبرٰى، ح:٥٥١٦.

3358. It was narrated that 'Abdullâh *said, concerning a man* who married a woman, then died before consummating the marriage with her, and without naming a dowry: "She should have the dowry, and she has to observe the *'Iddah*, and she may inherit." Ma'qil bin Sinân said: "I heard the Prophet ﷺ pass the same judgment concerning Birwa' bint Wâshiq." (*Ṣaḥîḥ*)

٣٣٥٨ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ فِرَاسٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ: فِي رَجُلٍ تَزَوَّجَ امْرَأَةً فَمَاتَ وَلَمْ يَدْخُلْ بِهَا وَلَمْ يَفْرِضْ لَهَا قَالَ: لَهَا الصَّدَاقُ، وَعَلَيْهَا الْعِدَّةُ، وَلَهَا الْمِيرَاثُ، فَقَالَ مَعْقِلُ بْنُ سِنَانَ: فَقَدْ سَمِعْتُ النَّبِيَّ ﷺ قَضَى بِهِ فِي بِرْوَعَ بِنْتِ وَاشِقٍ.

تخريج: [صحيح] أخرجه أبو داود، ح:٢١١٤ من حديث عبدالرحمن بن مهدي به (انظر الحديثين السابقين)، وهو في الكبرٰى، ح:٥٥١٧ * سفيان هو الثوري.

3359. (Another chain) with a similar narration. (*Ṣaḥîḥ*)

٣٣٥٩ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ، مِثْلَهُ.

تخريج: [صحيح] تقدم، ح:٣٣٥٦، وهو في الكبرٰى، ح:٥٥١٩ * عبدالرحمٰن هو ابن مهدي، وسفيان هو الثوري.

3360. It was narrated from 'Abdullâh that some people came to him and said: "A man among us married a woman, but he did not

٣٣٦٠ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ،

عَنِ الشَّعْبِيِّ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ: أَنَّهُ أَتَاهُ قَوْمٌ فَقَالُوا: إِنَّ رَجُلًا مِنَّا تَزَوَّجَ امْرَأَةً وَلَمْ يَفْرِضْ لَهَا صَدَاقًا وَلَمْ يَجْمَعْهَا إِلَيْهِ حَتَّى مَاتَ، فَقَالَ عَبْدُ اللَّهِ: مَا سُئِلْتُ مُنْذُ فَارَقْتُ رَسُولَ اللهِ ﷺ أَشَدَّ عَلَيَّ مِنْ هٰذِهِ فَأْتُوا غَيْرِي، فَاخْتَلَفُوا إِلَيْهِ فِيهَا شَهْرًا ثُمَّ قَالُوا لَهُ فِي آخِرِ ذٰلِكَ: مَنْ نَسْأَلُ إِنْ لَمْ نَسْأَلْكَ وَأَنْتَ مِنْ جِلَّةِ أَصْحَابِ مُحَمَّدٍ ﷺ بِهٰذَا الْبَلَدِ وَلَا نَجِدُ غَيْرَكَ، قَالَ: سَأَقُولُ فِيهَا بِجَهْدِ رَأْيِي فَإِنْ كَانَ صَوَابًا فَمِنَ اللهِ وَحْدَهُ لَا شَرِيكَ لَهُ، وَإِنْ كَانَ خَطَأً فَمِنِّي وَمِنَ الشَّيْطَانِ، وَاللَّهُ وَرَسُولُهُ مِنْهُ بُرَآءُ، أُرَى أَنْ أَجْعَلَ لَهَا صَدَاقَ نِسَائِهَا لَا وَكْسَ وَلَا شَطَطَ، وَلَهَا الْمِيرَاثُ، وَعَلَيْهَا الْعِدَّةُ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، قَالَ: وَذٰلِكَ بِسَمْعِ أُنَاسٍ مِنْ أَشْجَعَ، فَقَامُوا فَقَالُوا: نَشْهَدُ أَنَّكَ قَضَيْتَ بِمَا قَضَى بِهِ رَسُولُ اللهِ ﷺ فِي امْرَأَةٍ مِنَّا يُقَالُ لَهَا بِرْوَعُ بِنْتُ وَاشِقٍ. قَالَ: فَمَا رُئِيَ عَبْدُ اللهِ فَرِحَ فَرَحَهُ يَوْمَئِذٍ إِلَّا بِإِسْلَامِهِ.

name a dowry for her, and he did not have intercourse with her before he died. 'Abdullâh said: 'Since I left the Messenger of Allâh ﷺ I have never been asked a more difficult question than this. Go to someone else.' They kept coming to him for a month, then at the end of that they said: 'Who shall we ask if we do not ask you? You are one of the most prominent Companions of Muḥammad ﷺ in this land and we cannot find anyone else.' He said: 'I will say what I think, and if it is correct then it is from Allâh alone, with no partner, and if it is wrong then it is from me and from the *Shaiṭân*, and Allâh and His Messenger have nothing to do with it. I think that she should be given a dowry like that of her peers and no less, with no injustice, and she may inherit from him, and she has to observe the *'Iddah*, four months and ten days.'" He said: "And that was heard by some people from Ashja', who stood up and said: 'We bear witness that you have passed the same judgment as the Messenger of Allâh ﷺ did concerning a woman from among us who was called Birwa' bint Wâshiq.'" He said: "Abdullâh was never seen looking so happy as he did on that day, except with having accepted Islam." (***Ṣaḥîḥ***)

تخريج: **[إسناده صحيح]** وهو في الكبرى، ح:٥٥١٨، وصححه ابن حبان، ح:١٢٦٣، والحاكم على شرط مسلم:٢/١٠١، ووافقه الذهبي، وللحديث شواهد كثيرة.

Chapter 69. A Woman Giving Herself In Marriage To A Man With No Dowry

(المعجم ٦٩) - **بَابُ هِبَةِ الْمَرْأَةِ نَفْسَهَا لِرَجُلٍ بِغَيْرِ صَدَاقٍ** (التحفة ٦٩)

3361. It was narrated from Sahl bin Sa'd that a woman came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, I give myself in marriage to you." She stood for a long time, then a man stood up and said: "Marry her to me if you do not want to marry her." The Messenger of Allâh ﷺ said: "Do you have anything?" He said: "I cannot find anything." He said: "Look (for something), even if it is only an iron ring." So he looked but he could not find anything. The Messenger of Allâh ﷺ said to him: "Have you (memorized) anything of the Qur'ân?" He said: "Yes, *Sûrah* such and such and *Sûrah* such and such," naming them. The Messenger of Allâh ﷺ said: "I marry her to you for what you know of the Qur'ân." (*Sahîh*)

٣٣٦١ - **أَخْبَرَنَا** هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ: أَنَّ رَسُولَ اللهِ ﷺ جَاءَتْهُ امْرَأَةٌ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنِّي قَدْ وَهَبْتُ نَفْسِي لَكَ، فَقَامَتْ قِيَامًا طَوِيلًا فَقَامَ رَجُلٌ فَقَالَ: زَوِّجْنِيهَا إِنْ لَمْ يَكُنْ لَكَ بِهَا حَاجَةٌ، قَالَ رَسُولُ اللهِ ﷺ: «هَلْ عِنْدَكَ شَيْءٌ؟» قَالَ: مَا أَجِدُ شَيْئًا، قَالَ: «الْتَمِسْ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ». فَالْتَمَسَ فَلَمْ يَجِدْ شَيْئًا، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «هَلْ مَعَكَ مِنَ الْقُرْآنِ شَيْءٌ؟» قَالَ: نَعَمْ سُورَةُ كَذَا وَسُورَةُ كَذَا لِسُوَرٍ سَمَّاهَا، قَالَ رَسُولُ اللهِ ﷺ: «قَدْ زَوَّجْتُكَهَا عَلَى مَا مَعَكَ مِنَ الْقُرْآنِ».

تخريج: أخرجه البخاري، الوكالة، باب وكالة المرأة الإمام في النكاح، ح: ٢٣١٠ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٥٢٦، والكبرى، ح: ٥٥٢٤.

Comments:

This *Hadîth* has been mentioned earlier several times. Here the purpose is that the woman had used the term *Hibah* (gift) and *Hibah* generally means gratis. Hence, this proposal would also be without dower.

Chapter 70. Allowing Intimacy

(المعجم ٧٠) - **بَابُ إِحْلَالِ الْفَرْجِ** (التحفة ٧٠)

3362. It was narrated from An-Nu'mân bin Bashîr that the Prophet ﷺ said, concerning a man who had intercourse with his wife's slave woman: "If she let him do that, I will flog him with one

٣٣٦٢ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بِشْرٍ، عَنْ خَالِدِ بْنِ عُرْفُطَةَ، عَنْ حَبِيبِ بْنِ سَالِمٍ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ، عَنِ النَّبِيِّ

hundred stripes, and if she did not let him, I will stone him (to death)." (*Hasan*)

ﷺ: فِي الرَّجُلِ يَأْتِي جَارِيَةَ امْرَأَتِهِ قَالَ: «إِنْ كَانَتْ أَحَلَّتْهَا لَهُ جَلَدْتُهُ مِائَةً، وَإِنْ لَمْ تَكُنْ أَحَلَّتْهَا لَهُ رَجَمْتُهُ».

تخريج: [حسن] أخرجه أبو داود، الحدود، باب: في الرجل يزني بجارية امرأته، ح:٤٤٥٩ عن محمد بن بشار به، وهو في الكبرى، ح:٥٥٥١، وللحديث شواهد عند البيهقي:٨/ ٢٤٠، وابن ماجه، ح:٢٥٥٢ وغيرهما.

Comments:

An unlawful thing does not become lawful by someone's making it so. If a woman renders her slave woman lawful for her husband, the slave woman would not become lawful for him. This is because the slave woman belongs to the wife; she is not his (husband's) slave woman. But, if the wife gives him the slave woman as a gift and subsequently she becomes his slave woman, or if the wife marries off the slave woman to the husband, then she would become lawful.

3363. It was narrated from An-Nu'mân bin Bashîr that a man called 'Abdur-Raḥmân bin Ḥunain or Yunbaz Qurqûr had intercourse with his wife's slave woman, and it was brought to An-Nu'mân bin Bashîr. He said: "I will pass the same judgment concerning her as the Messenger of Allâh ﷺ did. If she let you do that, I will flog you, but if she did not let you do that, I will stone you (to death)." She had let him do that so he flogged him with one hundred stripes. (One of the narrators) Qatâdah said: "I wrote to Ḥabîb bin Sâlim and he wrote back to me with this information." (*Hasan*)

٣٣٦٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْمَرٍ قَالَ: حَدَّثَنَا حَبَّانُ قَالَ: حَدَّثَنَا أَبَانُ عَنْ قَتَادَةَ، عَنْ خَالِدِ بْنِ عُرْفُطَةَ، عَنْ حَبِيبِ بْنِ سَالِمٍ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ: أَنَّ رَجُلًا يُقَالُ لَهُ عَبْدُ الرَّحْمٰنِ بْنُ حُنَيْنٍ وَيُنْبَزُ قُرْقُورًا أَنَّهُ وَقَعَ بِجَارِيَةِ امْرَأَتِهِ فَرُفِعَ إِلَى النُّعْمَانِ بْنِ بَشِيرٍ فَقَالَ: لَأَقْضِيَنَّ فِيهَا بِقَضِيَّةِ رَسُولِ اللهِ ﷺ، إِنْ كَانَتْ أَحَلَّتْهَا لَكَ جَلَدْتُكَ، وَإِنْ لَمْ تَكُنْ أَحَلَّتْهَا لَكَ رَجَمْتُكَ بِالْحِجَارَةِ، فَكَانَتْ أَحَلَّتْهَا لَهُ فَجُلِدَ مِائَةً. قَالَ قَتَادَةُ: فَكَتَبْتُ إِلَى حَبِيبِ بْنِ سَالِمٍ فَكَتَبَ إِلَيَّ بِهٰذَا.

تخريج: [حسن] انظر الحديث السابق، وهو في الكبرى، ح:٥٥٥٤.

3364. It was narrated from An-Nu'mân bin Bashîr that the Messenger of Allâh ﷺ said, concerning a man who had intercourse with his wife's slave woman: "If she let him do that, I

٣٣٦٤ - أَخْبَرَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا عَارِمٌ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ سَعِيدِ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ حَبِيبِ بْنِ سَالِمٍ، عَنِ النُّعْمَانِ بنِ بَشِيرٍ: أَنَّ رَسُولَ اللهِ

ﷺ قَالَ فِي رَجُلٍ وَقَع بِجَارِيَةِ امْرَأَتِهِ: «إِنْ كَانَتْ أَحَلَّتْهَا لَهُ فَأَجْلِدْهُ مِائَةً، وَإِنْ لَمْ تَكُنْ أَحَلَّتْهَا لَهُ فَأَرْجُمُهُ».

will flog him with one hundred stripes, and if she did not let him do that, I will stone him (to death)." (*Hasan*)

تخريج: [**حسن**] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٥٥٥٥.

٣٣٦٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ قَبِيصَةَ بْنِ حُرَيْثٍ، عَنْ سَلَمَةَ بْنِ الْمُحَبَّقِ قَالَ: قَضَى النَّبِيُّ ﷺ فِي رَجُلٍ وَطِىءَ جَارِيَةَ امْرَأَتِهِ: «إِنْ كَانَ اسْتَكْرَهَهَا فَهِيَ حُرَّةٌ وَعَلَيْهِ لِسَيِّدَتِهَا مِثْلُهَا، وَإِنْ كَانَتْ طَاوَعَتْهُ فَهِيَ لَهُ وَعَلَيْهِ لِسَيِّدَتِهَا مِثْلُهَا».

3365. It was narrated that Salamah bin Al-Muḥabbaq said: "The Prophet ﷺ passed judgment concerning a man who had intercourse with his wife's slave woman: 'If he forced her, then she is free, and he has to give her mistress a similar slave as a replacement; if she obeyed him in that, then she belongs to him, and he has to give her mistress a similar slave as a replacement.'" (*Hasan*)

تخريج: [**إسناده حسن**] أخرجه أبو داود، الحدود، باب: في الرجل يزني بجارية امرأته، ح:٤٤٦٠ من حديث عبدالرزاق به * الحسن البصري صرح بالسماع عند البيهقي:٨/ ٢٤٠، وقبيصة ثقة صدوق ولم يطعن أحد فيه بحجة.

Comments:

It is probable that this *Ḥadîth* was uttered before the revelation of the commands prescribing the legal penalty (*Hudûd*). Now the implementation of the prescribed legal penalty is inevitable. In such a situation, the man involved shall be stoned to death, whether the slave woman had consented or she was raped. The slave woman, however, would be forgiven in the case of rape. In the event of consensual intercourse, she shall receive fifty lashes, as has preceded in the afore-mentioned narrations.

٣٣٦٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ بَزِيعٍ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَلَمَةَ بْنِ الْمُحَبَّقِ: أَنَّ رَجُلًا غَشِيَ جَارِيَةً لِامْرَأَتِهِ فَرُفِعَ ذٰلِكَ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: «إِنْ كَانَ اسْتَكْرَهَهَا فَهِيَ حُرَّةٌ مِنْ مَالِهِ وَعَلَيْهِ الشَّرْوَى لِسَيِّدَتِهَا، وَإِنْ كَانَتْ طَاوَعَتْهُ فَهِيَ لِسَيِّدَتِهَا وَمِثْلُهَا مِنْ مَالِهِ».

3366. It was narrated from Salamah bin Al-Muḥabbaq that a man had intercourse with a slave woman belonging to his wife, and was brought to the Messenger of Allâh ﷺ. He said: "If he forced her, then she is free at his expense and he has to give her mistress a similar slave as a replacement. If she obeyed him in that, then she

belongs to her mistress, and he has to give her mistress a similar slave as well.'" (*Hasan*)

تخريج: [حسن] أخرجه أبو داود، ح:٤٤٦١ من حديث سعيد بن أبي عروبة به، وهو في الكبرى، ح:٥٥٥٧، وانظر الحديث السابق.

Chapter 71. The Prohibition Of *Mut'ah* (Temporary Marriage)

(المعجم ٧١) - **تَحْرِيمُ الْمُتْعَةِ**
(التحفة ٧١)

3367. It was narrated from Al-Hasan and 'Abdullâh, the sons of Muhammad, from their father, that 'Alî heard that a man did not see anything wrong with *Mut'ah* (temporary marriage). He said: "You are confused, the Messenger of Allâh ﷺ forbade it, and the meat of domestic donkeys on the day of Khaibar." (*Sahîh*)

٣٣٦٧ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللهِ بْنِ عُمَرَ قَالَ: حَدَّثَنِي الزُّهْرِيُّ عَنِ الْحَسَنِ وَعَبْدِ اللهِ ابْنَيْ مُحَمَّدٍ، عَنْ أَبِيهِمَا: أَنَّ عَلِيًّا بَلَغَهُ أَنَّ رَجُلًا لَا يَرَى بِالْمُتْعَةِ بَأْسًا فَقَالَ: إِنَّكَ تَائِهٌ. إِنَّهُ نَهَى رَسُولُ اللهِ ﷺ عَنْهَا وَعَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ يَوْمَ خَيْبَرَ.

تخريج: أخرجه البخاري، المغازي، باب غزوة خيبر، ح:٤٢١٦ من حديث يحيى القطان، ومسلم، النكاح، باب نكاح المتعة وبيان أنه أبيح ثم نسخ ... إلخ، ح:١٤٠٧ من حديث عبيدالله ابن عمر به، وهو في الكبرى، ح:٥٥٤٧ .

Comments:

1. *Mut'ah* (recreational) means a marriage contracted for a specified period of time, or temporary marriage, whether it be for a few hours, days, or years. This sort of marriage automatically ends when its stipulated time finishes. No divorce is required. If the husband dies during the stipulated time, the woman inherits nothing, nor is any waiting period applied to her. In other words, no ruling concerning marriage applies to it, except for intercourse. This, therefore, is not a *Shari'* or lawful marriage. It was, however, one form of several practiced marriages of the period of *Jahiliyyah*. No appropriate action was taken against it in the early period of Islam. But later on, it was forbidden (at the time of Campaign of Khaibar or the Conquest of Makkah); and now it stands forbidden until the Day of Judgment. Such a marriage would be considered null and void, and if it is continued, it would be synonymous with adultery. The Shi'ites still consider it lawful, but even 'Alî ؓ calls its validators lunatics and misguided.
2. 'A man': it means Ibn 'Abbâs ؓ. He had earlier thought it was permissible in times of need and compulsion, though generally it is prohibited; whereas other Companions considered it absolutely and eternally forbidden. And this is what is correct. Later on, the misunderstanding of Ibn 'Abbâs was cleared,

and he reconciled with the other Companions.

3. On the day of the Campaign of Khaibar, according to some venerable individuals, the Day of Khaibar is affiliated with the prohibition of domestic donkeys and not with temporary marriage, because the form of temporary marriage was declared unlawful at the time of the Conquest of Makkah. It is possible a preventive measure was taken on the Day of Khaibar, and later it was declared unlawful at the time of the Conquest of Makkah, or that some were aware at Khaibar, and others heard it as it was mentioned again after the Conquest of Makkah.
4. Domestic donkey: The wild donkey, or onager, which in reality happens to be a cow, is called a wild donkey on account of the similarity of its legs with those of a donkey. Otherwise, in actuality, it is a wild cow and is lawful.

3368. It was narrated from 'Abdullâh and Al-Ḥasan, the sons of *Muḥammad bin* 'Alî, *from their* father, from 'Alî bin Abî Ṭâlib, that the Messenger of Allâh ﷺ on the Day of Khaibar forbade temporary marriage to women, and (he also forbade) the meat of tame donkeys. (*Ṣaḥîḥ*)

٣٣٦٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لَهُ - قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللهِ وَالْحَسَنِ ابْنَيْ مُحَمَّدِ بْنِ عَلِيٍّ، عَنْ أَبِيهِمَا، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ مُتْعَةِ النِّسَاءِ يَوْمَ خَيْبَرَ، وَعَنْ لُحُومِ الْحُمُرِ الْإِنْسِيَّةِ.

تخريج: أخرجه البخاري، الذبائح، باب لحوم الحمر الإنسية، ح:٥٥٢٣ من حديث مالك به، وهو في الموطأ (يحيى): ٢/٥٤٢، والكبرى، ح:٥٥٤٨، وانظر الحديث السابق.

Comments:

Domesticated donkeys are the very same asses which men keep for their needs. Hence, both these terms are synonymous. Concerning donkeys, they are eternally unlawful. It is the view of the majority of the people of knowledge. It has been ascribed to Imâm Mâlik ﷺ that he considered some dondeys lawful when kept in inhabitations, if they abstained from eating filth.

3369. Mâlik bin Anas narrated that Ibn Shihâb told him that 'Abdullâh and Al-Ḥasan, the sons of Muḥammad bin 'Alî, told him, that their father Muḥammad bin 'Alî told them, that 'Alî bin Abî Ṭâlib, may Allâh be pleased with him, said: "The Messenger of Allâh

٣٣٦٩ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ وَمُحَمَّدُ ابْنُ بَشَّارٍ وَمُحَمَّدُ بْنُ الْمُثَنَّى قَالُوا: أَخْبَرَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ يَقُولُ: أَخْبَرَنِي مَالِكُ بْنُ أَنَسٍ أَنَّ ابْنَ شِهَابٍ أَخْبَرَهُ أَنَّ عَبْدَ اللهِ وَالْحَسَنَ ابْنَيْ مُحَمَّدِ بْنِ

ﷺ on the Day of Khaibar forbade temporary marriage to women." (One of the narrators) Ibn Al-Muthanna said: "The Day of Hunain." He said: "This is what 'Abdul-Wahhâb narrated to us from his book." (*Sahîh*)

عَلِيٍّ أَخْبَرَاهُ أَنَّ أَبَاهُمَا مُحَمَّدَ بْنَ عَلِيٍّ أَخْبَرَهُمَا أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ رَضِيَ اللهُ عَنْهُ قَالَ: نَهَى رَسُولُ اللهِ ﷺ يَوْمَ خَيْبَرَ عَنْ مُتْعَةِ النِّسَاءِ. قَالَ ابْنُ الْمُثَنَّى: يَوْمَ حُنَيْنٍ وَقَالَ: هٰكَذَا حَدَّثَنَا عَبْدُ الْوَهَّابِ مِنْ كِتَابِهِ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٥٥٤٩ * عبدالوهاب هو الثقفي.

Comments:

Seemingly Hunain is substituted for Khaibar, because in the early period, there were no diacritical marks on letters. There was virtually no difference in the mode of writing the letters *Nûn* and *Râ*. Khaibar and Hunain looked alike when written. This is why the transmitters made an error. Even if we assume that it was the Day of Hunain, then it would signify the Conquest of Makkah. This is because the Day of Hunain and the Conquest of Makkah are close in time. The Campaign of Khaibar took place in the beginning of the year 7H, whereas the Conquest of Makkah took place toward the end of Ramadan in the year 8H, and the Campaign of Hunain in the beginning of Shawwal in the year 8H.

3370. It was narrated from Ar-Rabî' bin Sabrah Al-Juhanî that his father said: "The Messenger of Allâh ﷺ gave permission for *Mut'ah*, so I and another man went to a woman from Bani 'Âmir and offered ourselves to her (for *Mut'ah*). She said: 'What will you give me?' I said: 'My *Ridâ'* (upper garment).' My companion also said: 'My *Ridâ'*.' My companion's *Ridâ'* was finer than mine, but I was younger than him. When she looked at my companion's *Ridâ'* she liked it, but when she looked at me, she liked me. Then she said: 'You and your *Ridâ'* are sufficient for me.' I stayed with her for three (days), then the Messenger of Allâh ﷺ said: 'Whoever has any of these women whom he married

٣٣٧٠ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنِ الرَّبِيعِ بْنِ سَبْرَةَ الْجُهَنِيِّ، عَنْ أَبِيهِ أَنَّهُ قَالَ: أَذِنَ رَسُولُ اللهِ ﷺ بِالْمُتْعَةِ فَانْطَلَقْتُ أَنَا وَرَجُلٌ إِلَى امْرَأَةٍ مِنْ بَنِي عَامِرٍ فَعَرَضْنَا عَلَيْهَا أَنْفُسَنَا فَقَالَتْ: مَا تُعْطِينِي؟ فَقُلْتُ: رِدَائِي. وَقَالَ صَاحِبِي: رِدَائِي. وَكَانَ رِدَاءُ صَاحِبِي أَجْوَدَ مِنْ رِدَائِي. وَكُنْتُ أَشَبَّ مِنْهُ، فَإِذَا نَظَرَتْ إِلَى رِدَاءِ صَاحِبِي أَعْجَبَهَا وَإِذَا نَظَرَتْ إِلَيَّ أَعْجَبْتُهَا، ثُمَّ قَالَتْ: أَنْتَ وَرِدَاؤُكَ يَكْفِينِي فَمَكَثْتُ مَعَهَا ثَلَاثًا، ثُمَّ إِنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ كَانَ عِنْدَهُ مِنْ هٰذِهِ النِّسَاءِ اللَّاتِي يَتَمَتَّعُ فَلْيُخَلِّ سَبِيلَهَا».

temporarily should let them go." (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، النكاح، باب نكاح المتعة وبيان أنه أبيح ثم نسخ ... إلخ، ح:١٤٠٦ عن قتيبة به، وهو في الكبرٰى، ح:٥٥٥٠

Comments:

In other words, it is the final command of the Prophet ﷺ to abandon temporary marriage. It is, therefore, forbidden.

Chapter 72. Announcing The Wedding By Singing And Beating The *Duff*

(المعجم ٧٢) - إِعْلَانُ النِّكَاحِ بِالصَّوْتِ وَضَرْبِ الدُّفِّ (التحفة ٧٢)

3371. It was narrated that Muḥammad bin Ḥâṭib said: "The Messenger of Allâh ﷺ said: 'What differentiates between the lawful and the unlawful is the *Duff*, and the voice (singing) for the wedding." (*Ḥasan*)

٣٣٧١ - أَخْبَرَنَا مُجَاهِدُ بْنُ مُوسَى قَالَ: حَدَّثَنَا هُشَيْمٌ عَنْ أَبِي بَلْجٍ، عَنْ مُحَمَّدِ بْنِ حَاطِبٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «فَصْلُ مَا بَيْنَ الْحَلَالِ وَالْحَرَامِ الدُّفُّ وَالصَّوْتُ فِي النِّكَاحِ».

تخريج: [حسن] أخرجه الترمذي، النكاح، باب ماجاء في إعلان النكاح، ح:١٠٨٨ من حديث هشيم به، وصرح بالسماع عنده، وقال الترمذي: "حسن"، والحديث في الكبرٰى، ح:٥٥٦٢، وصححه الحاكم: ٢/ ١٨٤، ووافقه الذهبي * أبو بلج هو يحيى بن أبي سليم، ومحمد بن حاطب هو الجمحي.

Comments:

The purpose of this *Ḥadîth* is to demonstrate that the marriage ought not to be contracted secretly. It should rather be announced in a public way. Besides, marriage is an occasion of rejoicing and on the occasion of celebration, children like singing and playing the *Duff*. Hence, children should be permitted to play the *Duff* and sing suitable songs on such happy occasions so that the marriage becomes well publicized. This is lawful for children and women, provided the women are not heard or seen by men. The use of musical instruments other than the *Duff* is forbidden. The *Duff* is an extremely simple instrument. Its sound is also low and plain. It is, therefore, allowed. Playing the drums, etc., is forbidden.

3372. It was narrated that Abû Balj said: "I heard Muḥammad bin Ḥâṭib say: 'What differentiates between the lawful and the unlawful is the voice (singing).'" (*Ḥasan*)

٣٣٧٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ عَنْ شُعْبَةَ، عَنْ أَبِي بَلْجٍ قَالَ: سَمِعْتُ مُحَمَّدَ بْنَ حَاطِبٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ فَصْلَ مَا بَيْنَ الْحَلَالِ وَالْحَرَامِ الصَّوْتُ».

تخريج: [إسناده حسن] انظر الحديث السابق.

Chapter 73. How To Congratulate A Man When He Gets Married

(المعجم ٧٣) - كَيْفَ يُدْعَى لِلرَّجُلِ إِذَا تَزَوَّجَ (التحفة ٧٣)

3373. It was narrated that Al-Ḥasan said: "Aqîl bin Abî Ṭâlib married a woman from Banu Jusham, and it was said to him: 'May you live in harmony and have many sons.' He said: 'Say what the Messenger of Allâh ﷺ said: *Bârak Allâhu fîkum, wa bâraka lakum.* (May Allâh bless you and bestow blessings upon you.)" (***Ḥasan***)

٣٣٧٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ وَمُحَمَّدُ ابْنُ عَبْدِ الْأَعْلَى قَالَا: حَدَّثَنَا خَالِدٌ عَنْ أَشْعَثَ، عَنِ الْحَسَنِ قَالَ: تَزَوَّجَ عَقِيلُ بْنُ أَبِي طَالِبٍ امْرَأَةً مِنْ بَنِي جُشَمٍ فَقِيلَ لَهُ بِالرِّفَاءِ وَالْبَنِينِ، قَالَ: قُولُوا كَمَا قَالَ رَسُولُ اللهِ ﷺ: «بَارَكَ اللهُ فِيكُمْ وَبَارَكَ لَكُمْ».

تخريج: [حسن] أخرجه ابن ماجه، النكاح، باب تهنئة النكاح، ح:١٩٠٦ من حديث أشعث ابن عبدالملك به، وهو في الكبرى، ح:٥٥٦١، وللحديث شواهد عند أحمد، وأبي داود، ح:٢١٣٠ وغيرهما.

Comments:

The former way of congratulation was a ritual of the time of ignorance; hence, it was changed.

Chapter 74. The Supplication Of The One Who Did Not Attend The Wedding

(المعجم ٧٤) - دُعَاءُ مَنْ لَمْ يَشْهَدِ التَّزْوِيجَ (التحفة ٧٤)

3374. It was narrated that Anas said: "The Messenger of Allâh ﷺ saw traces of yellow perfume on 'Abdur-Raḥmân and said: 'What is this?' He said: 'I married a woman for a *Nawâh* (five *Dirhams*) of gold.' He said: 'May Allâh bless you. Give a *Walîmah* (wedding feast) even if it is with one sheep.'" (***Ṣaḥîḥ***)

٣٣٧٤ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا حَمَّادُ ابْنُ زَيْدٍ عَنْ ثَابِتٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللهِ ﷺ رَأَى عَلَى عَبْدِ الرَّحْمٰنِ أَثَرَ صُفْرَةٍ فَقَالَ: «مَا هٰذَا؟» قَالَ: تَزَوَّجْتُ امْرَأَةً عَلَى وَزْنِ نَوَاةٍ مِنْ ذَهَبٍ، قَالَ: «بَارَكَ اللهُ لَكَ، أَوْلِمْ وَلَوْ بِشَاةٍ».

تخريج: أخرجه مسلم، النكاح، باب الصداق وجواز كونه تعليم قرآن وخاتم حديد، وغير ذلك ... إلخ، ح:٧٩/١٤٢٧ عن قتيبة، والبخاري، النكاح، باب: كيف يدعٰى للمتزوج؟، ح:٥١٥٥ من حديث حماد بن زيد به.

Comments:

(See *Ḥadîth* 3353)

Chapter 75. Concession Allowing Yellow Perfume At The Time Of Marriage

(المعجم ٧٥) - الرُّخْصَةُ فِي الصُّفْرَةِ عِنْدَ التَّزْوِيجِ (التحفة ٧٥)

3375. It was narrated from Anas that 'Abdur-Raḥmân bin 'Awf came with a trace of saffron on him, and the Messenger of Allâh ﷺ said: "What's this for?" He said: "I have married a woman." He said: "What dowry did you give?" He said: "The weight of a *Nawâh* (five *Dirhams*) of gold." He said: "Give a *Walîmah* (wedding feast) even if it is with one sheep." (*Ṣaḥîḥ*)

٣٣٧٥ - أَخْبَرَنَا أَبُو بَكْرِ بْنُ نَافِعٍ قَالَ: حَدَّثَنَا بَهْزُ بْنُ أَسَدٍ قَالَ: حَدَّثَنَا حَمَّادٌ قَالَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسٍ: أَنَّ عَبْدَ الرَّحْمٰنِ بْنَ عَوْفٍ جَاءَ وَعَلَيْهِ رَدْعٌ مِنْ زَعْفَرَانٍ فَقَالَ رَسُولُ اللهِ ﷺ: «مَهْيَمْ؟» قَالَ: تَزَوَّجْتُ امْرَأَةً، قَالَ: «وَمَا أَصْدَقْتَ؟» قَالَ: وَزْنَ نَوَاةٍ مِنْ ذَهَبٍ، قَالَ: «أَوْلِمْ وَلَوْ بِشَاةٍ».

تخريج: [إسناده صحيح] أخرجه أبو داود، النكاح، باب قلة المهر، ح:٢١٠٩ من حديث حماد بن سلمة به، وهو في الكبرٰى، ح:٥٥٥٨، وله طرق عند البخاري ومسلم وغيرهما * ثابت هو البناني.

Comments:

Earlier in Ḥadîth 3353, it is reported that 'Abdur-Raḥmân *bin Awf* ﷺ *might* not necessarily have applied saffron deliberately; what is more probable is, while in the company of his wife, his body and clothes might have received marks (of colored perfume) from her garments as hued adornment is forbidden for men. But it transpires from the style of Imâm An-Nasâ'î, that he considers grooms exempt from it. From the aspect of the same understanding, some jurists consider application of *henna* also, although *henna* is purely symbolic for women. And Allâh knows best!

3376. It was narrated that Anas said: "The Messenger of Allâh ﷺ saw a trace of yellow perfume on me" – as if he meant 'Abdur-Raḥmân bin 'Awf – "and said: 'What's this for?' He said: 'I have married a woman from among the Anṣâr.' He said: 'Give a *Walîmah* (wedding feast) even if it is with one sheep.'" (*Ṣaḥîḥ*)

٣٣٧٦ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنِ الْوَزِيرِ بْنِ سُلَيْمَانَ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ كَثِيرِ ابْنِ عُفَيْرٍ قَالَ: أَخْبَرَنَا سُلَيْمَانُ بْنُ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسٍ قَالَ: رَأَى رَسُولُ اللهِ ﷺ عَلَيَّ - كَأَنَّهُ يَعْنِي عَبْدَ الرَّحْمٰنِ بْنَ عَوْفٍ - أَثَرَ صُفْرَةٍ فَقَالَ: «مَهْيَمْ؟» قَالَ: تَزَوَّجْتُ امْرَأَةً مِنَ الْأَنْصَارِ، فَقَالَ: «أَوْلِمْ وَلَوْ بِشَاةٍ».

تخريج: [صحيح] تقدم طرفه، ح:٣٣٥٣، وسيأتي، ح:٣٣٩٠، وهو في الكبرٰى، ح:٥٥٦٠.

Chapter 76. A Gift Given Before Consummation Of The Marriage

(المعجم ٧٦) - نَحْلَةُ الخَلْوَةِ (التحفة ٧٦)

3377. It was narrated from Ibn 'Abbâs that 'Alî said: "I got married to Fâṭimah, may Allâh be pleased with her, and I said: 'O Messenger of Allâh, let me consummate the marriage.' He said: 'Give her something.' I said: 'I do not have anything.' He said: 'Where is your Ḥutamî armor?' He said: 'It is with me.' He said: 'Give it to her.'" (*Ṣaḥîḥ*)

٣٣٧٧ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا هِشَامُ بْنُ عَبْدِ الْمَلِكِ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ عَلِيًّا قَالَ: تَزَوَّجْتُ فَاطِمَةَ رَضِيَ اللهُ عَنْهَا فَقُلْتُ: يَا رَسُولَ اللهِ! ابْنِهَا بِي، قَالَ: «أَعْطِهَا شَيْئًا» قُلْتُ: مَا عِنْدِي مِنْ شَيْءٍ، قَالَ: «فَأَيْنَ دِرْعُكَ الْحُطَمِيَّةُ؟» قُلْتُ: هِيَ عِنْدِي، قَالَ: «فَأَعْطِهَا إِيَّاهُ».

تخريج: [إسناده صحيح] أخرجه البزار في البحر الزخار:٢/ ١١٠، ح:٤٦١ من حديث هشام بن عبدالملك به، وهو في الكبرٰى، ح:٥٥٦٧ * حماد هو ابن سلمة.

Comments:

1. The method adopted by Imâm An-Nasâ'î in the divisions of chapter demonstrates that he considers the afore-mentioned armor separate from the dower, and holds it to be a special gift, while according to many people of knowledge, it was the dower which was given at the time of the couple living together instead of the time when the marriage was agreed. And Allâh knows best!
2. *Hutamiyyah* armor: *Hutamiyyah* probably might allude to its manufacturer or perhaps to its characteristics, which means the breaker of swords, spears, and arrows.

3378. It was narrated that Ibn 'Abbâs said: "When 'Alî, may Allâh be pleased with him, married Fâṭimah, may Allâh be pleased with her, the Messenger of Allâh ﷺ said to him: 'Give her something.' He said: 'I do not have anything.' He said: 'Where is your Ḥutamî armor?'" (*Ṣaḥîḥ*)

٣٣٧٨ - أَخْبَرَنَا هَارُونُ بْنُ إِسْحَاقَ عَنْ عَبْدَةَ، عَنْ سَعِيدٍ، عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَمَّا تَزَوَّجَ عَلِيٌّ رَضِيَ اللهُ عَنْهُ فَاطِمَةَ رَضِيَ اللهُ عَنْهَا قَالَ لَهُ رَسُولُ اللهِ ﷺ: «أَعْطِهَا شَيْئًا» قَالَ: مَا عِنْدِي، قَالَ: «فَأَيْنَ دِرْعُكَ الْحُطَمِيَّةُ؟».

تخريج: [صحيح] أخرجه البزار:٢/ ١١٠، ح:٤٦٢ عن هارون به، أخرجه أبو داود، النكاح، باب: في الرجل يدخل بامرأته قبل أن ينقدها شيئًا، ح:٢١٢٥ من حديث عبدة بن سليمان به، وهو في الكبرٰى، ح:٥٥٦٨، وصححه ابن حبان، انظر الحديث السابق، وله طرق أخرى ذكرت بعضها في تخريج مسند الحميدي، ح:٣٨ * سعيد هو ابن أبي عروبة.

Chapter 77. Consummating The Marriage In Shawwâl

(المعجم ٧٧) - الْبِنَاءُ فِي شَوَّالٍ

(التحفة ٧٧)

3379. It was narrated that 'Âishah said: "The Prophet ﷺ married me in Shawwâl, and he consummated the marriage with me in Shawwâl, and which of his wives find more favor with him than me?" (*Sahîh*)

٣٣٧٩ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ إِسْمَاعِيلَ ابْنِ أُمَيَّةَ، عَنْ عَبْدِ اللهِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللهِ ﷺ فِي شَوَّالٍ وَأُدْخِلْتُ عَلَيْهِ فِي شَوَّالٍ، فَأَيُّ نِسَائِهِ كَانَ أَحْظَى عِنْدَهُ مِنِّي.

تخريج: [صحيح] تقدم، ح:٣٢٣٨، وهو في الكبرٰى، ح:٥٥٧٢.

Comments:

1. During the period of ignorance, the people considered the month of Shawwal ill-boding on account of its inherent meaning, and did not consider appropriate to marry or make any construction in this month. It is mere superstition, there is no truth in it. The name of the month casts no effect on its days. Islam is against such superstitions and any hindrance brought on its account in human relations. Islam considers it bad belief. Alas! Nowadays some Muslims also hold such views regarding the month of Muharram. The term Shawwal is derived from *Shaul*, which connotes a horse's shaking its tail rebelliously and raising it.
2. 'In Shawwal': There was an interval of three years between the marriage and then living together. May Allâh be well-pleased with her.

Chapter 78. Consummation Of Marriage With A Girl Of Nine

(المعجم ٧٨) - الْبِنَاءُ بِابْنَةِ تِسْعٍ

(التحفة ٧٨)

3380. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ married me when I was six, and consummated the marriage with me when I was nine, and I used to play with dolls." (*Sahîh*)

٣٣٨٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ آدَمَ عَنْ عَبْدَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللهِ ﷺ وَأَنَا بِنْتُ سِتٍّ، وَدَخَلَ عَلَيَّ وَأَنَا بِنْتُ تِسْعِ سِنِينَ وَكُنْتُ أَلْعَبُ بِالْبَنَاتِ.

تخريج: أخرجه مسلم، النكاح، باب جواز تزويج الأب البكر الصغيرة، ح:١٤٢٢/ ٧٠ من حديث عبدة بن سليمان به، وهو في الكبرٰى، ح:٥٥٦٩ .

Comments:

Due to climatic conditions and her own physical wholesomeness, she had reached puberty at the age of nine years. There is, therefore, no ambiguity in

the matter of her living with him. (See Nos. 3357 to 3360).

3381. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ married me when I was six, and consummated the marriage with me when I was nine." (***Hasan***)

٣٣٨١ - أَخْبَرَنَا أَحْمَدُ بْنُ سَعْدِ بْنِ الْحَكَمِ بْنِ أَبِي مَرْيَمَ قَالَ: حَدَّثَنَا عَمِّي قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ قَالَ: أَخْبَرَنِي عُمَارَةُ بْنُ غَزِيَّةَ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللهِ ﷺ وَهِيَ بِنْتُ سِتِّ سِنِينَ، وَبَنَى بِهَا وَهِيَ بِنْتُ تِسْعِ سِنِينَ.

تخريج: [**إسناده حسن**] وهو في الكبرى، ح:٥٥٧١، وهذا متواتر عن عائشة رضي الله عنها، رواه عروة، وأبوعبيدة بن عبدالله بن مسعود، وابن أبي مليكة، والأسود وغيرهم عنها.

Chapter 79. Consummation Of Marriage While Travelling

(المعجم ٧٩) - الْبِنَاءُ فِي السَّفَرِ

(التحفة ٧٩)

3382. It was narrated from Anas: "The Messenger of Allâh ﷺ invaded Khaibar and we prayed *Al-Ghâdah* (*Fajr*) there (early in the morning) when it was still dark. Then the Prophet ﷺ rode and Abû Ṭalḥa rode, and I was riding behind Abû Ṭalḥa. The Prophet of Allâh ﷺ passed through the lane of Khaibar quickly, and my knee was touching the thigh of the Messenger of Allâh ﷺ, and I could see the whiteness of the thigh of the Prophet ﷺ. When he entered the town he said: '*Allâhu Akbar*, Khaibar is destroyed! Whenever we approach a (hostile) nation to fight, evil will be the morning for those who have been warned.'[1] He said

٣٣٨٢ - أَخْبَرَنَا زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ صُهَيْبٍ عَنْ أَنَسٍ، أَنَّ رَسُولَ اللهِ ﷺ غَزَا خَيْبَرَ فَصَلَّيْنَا عِنْدَهَا الْغَدَاةَ بِغَلَسٍ فَرَكِبَ النَّبِيُّ ﷺ وَرَكِبَ أَبُو طَلْحَةَ وَأَنَا رَدِيفُ أَبِي طَلْحَةَ، فَأَخَذَ نَبِيُّ اللهِ ﷺ فِي زُقَاقِ خَيْبَرَ وَإِنَّ رُكْبَتِي لَتَمَسُّ فَخِذَ رَسُولِ اللهِ ﷺ وَإِنِّي لَأَرَى بَيَاضَ فَخِذِ النَّبِيِّ ﷺ، فَلَمَّا دَخَلَ الْقَرْيَةَ قَالَ: «اللّٰهُ أَكْبَرُ خَرِبَتْ خَيْبَرُ، إِنَّا إِذَا نَزَلْنَا بِسَاحَةِ قَوْمٍ فَسَاءَ صَبَاحُ الْمُنْذَرِينَ» قَالَهَا ثَلَاثَ مَرَّاتٍ، قَالَ: وَخَرَجَ الْقَوْمُ إِلَى أَعْمَالِهِمْ، قَالَ عَبْدُ الْعَزِيزِ: فَقَالُوا: مُحَمَّدٌ - قَالَ عَبْدُ الْعَزِيزِ: وَقَالَ بَعْضُ أَصْحَابِنَا -

[1] See *Aṣ-Ṣâffât* 37:177.

this three times. The people came out for their work." (One of the narrators) 'Abdul-'Azîz said: "They said: 'Muḥammad (has come)!'" 'Abdul-'Azîz said: "Some of our companions said: 'With his army.'" "We conquered Khaibar and gathered the captives. Diḥyah came and said: 'O Prophet of Allâh, give me a slave girl from among the captives.' He said: 'Go and take a slave girl.' He took Ṣafiyyah bint Ḥuyayy. Then a man came to the Prophet ﷺ and said: 'O Messenger of Allâh ﷺ, you gave Diḥyah Ṣafiyyah bint Ḥuyayy, and she is the chief mistress of Quraiẓah and An-Naḍîr, and she is fit for no one but you.' He said: 'Call him to bring her.' When the Prophet ﷺ saw her, he said: 'Take any other slave girl from among the captives.'" He said: "The Prophet of Allâh ﷺ set her free and married her." (One of the narrators) Thâbit said to him: "O Abû Ḥamzah, what dowry did he give her?" He (Anas) said: "Herself; he set her free and married her." He said: "While on the road, Umm Sulaim fitted her out and presented her to him in the night, and the following morning he was a bridegroom. He said: 'Whoever has anything, let him bring it.' He spread out a leather cloth and men came with cottage cheese, dates, and ghee, and they made *Ḥais*, and that was the *Walîmah* (wedding feast) of the Messenger of Allâh ﷺ." (*Ṣaḥîḥ*)

وَالْخَمِيسُ. وَأَصَبْنَاهَا عَنْوَةً فَجَمَعَ السَّبْيَ فَجَاءَ دِحْيَةُ فَقَالَ: يَا نَبِيَّ اللهِ! أَعْطِنِي جَارِيَةً مِنَ السَّبْيِ، قَالَ: «اذْهَبْ فَخُذْ جَارِيَةً» فَأَخَذَ صَفِيَّةَ بِنْتَ حُيَيٍّ فَجَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا نَبِيَّ اللهِ! أَعْطَيْتَ دِحْيَةَ صَفِيَّةَ بِنْتَ حُيَيٍّ سَيِّدَةَ قُرَيْظَةَ وَالنَّضِيرِ مَا تَصْلُحُ إِلَّا لَكَ، قَالَ: «ادْعُوهُ بِهَا». فَجَاءَ بِهَا فَلَمَّا نَظَرَ إِلَيْهَا النَّبِيُّ ﷺ قَالَ: «خُذْ جَارِيَةً مِنَ السَّبْيِ غَيْرَهَا» قَالَ: وَإِنَّ نَبِيَّ اللهِ ﷺ أَعْتَقَهَا وَتَزَوَّجَهَا، فَقَالَ لَهُ ثَابِتٌ: يَا أَبَا حَمْزَةَ! مَا أَصْدَقَهَا؟ قَالَ: نَفْسَهَا، أَعْتَقَهَا وَتَزَوَّجَهَا، قَالَ: حَتَّى إِذَا كَانَ بِالطَّرِيقِ جَهَّزَتْهَا لَهُ أُمُّ سُلَيْمٍ فَأَهْدَتْهَا إِلَيْهِ مِنَ اللَّيْلِ فَأَصْبَحَ عَرُوسًا، قَالَ: «مَنْ كَانَ عِنْدَهُ شَيْءٌ فَلْيَجِيءْ بِهِ» قَالَ: وَبَسَطَ نِطَعًا فَجَعَلَ الرَّجُلُ يَجِيءُ بِالْأَقِطِ، وَجَعَلَ الرَّجُلُ يَجِيءُ بِالتَّمْرِ، وَجَعَلَ الرَّجُلُ يَجِيءُ بِالسَّمْنِ، فَحَاسُوا حَيْسَةً فَكَانَتْ وَلِيمَةَ رَسُولِ اللهِ ﷺ.

تخريج:أخرجه البخاري، الصلٰوة، باب ما يذكر في الفخذ، ح:٣٧١، ومسلم، النكاح، باب فضيلة إعتاقه أمته ثم يتزوجها، ح:١٣٦٥ بعد، ح:١٤٢٧ من حديث إسماعيل ابن علية به، وهو في الكبرٰى، ح:٥٥٧٦ .

Comments:

1. When other necessities of life could be fulfilled while traveling, marriage and its consummation also could take place, because they are also necessities; particularly so when the travels of those days lasted several weeks, rather months.
2. 'The thigh': while riding a mount, the dress might slide due to wind. The thigh, therefore, might be uncovered. It does not mean the Prophet ﷺ had deliberately uncovered his thighs. This is because baring one's thighs in populated places is blameworthy even for a common man, except for one who is traveling. While traveling, people generally roll up their hemlines in front of their companions and servants, for a whiff or two of breeze. It is possible in the company of very close companions, because the thigh is not similar to private parts. It should be kept covered because of its nearness to private parts. In the ritual prayer, covering of the thigh constitutes one of the parts which are required to be concealed obligatorily. If the thigh is bare, the prayer shall not be valid.
3. "Khaibar is destroyed!": Did the Prophet ﷺ state it on account of Revelation or other than that? Some people of knowledge consider it to have been a supplication, may Khaibar be conquered.
4. 'Safiyyah bint Huyayy': She was the daughter of Huyayy bin Akhtab, who was the leader of the entire Jewish community. She was married to another prominent chief. The marriage had recently been contracted. Her husband was killed in the battle and she was taken captive. Seemingly, such a woman of eminent rank was not adequate for any common man. Therefore, the Prophet ﷺ took her back from Dahiyah and chose her for himself; particularly so, because she was descended from the progeny of Prophet Harûn ﷺ. From the progeny of a Prophet and married to yet another Prophet. What a lofty rank! May Allâh be pleased with her and she with Him!
5. No one is allowed to have immediate intercourse with a woman who is married to someone when taken captive, before the expiry of one period or cycle of menses, in order to ensure that she is not pregnant. In case of pregnancy, intercourse is allowed only after the delivery of the child. The Safiyyah ﷺ coincidentally had been in the state of menses when she was taken captive. The menses ended while traveling. It became certain that she was not pregnant, because pregnancy terminates menses. Hence, cohabitation became permissible for the Prophet ﷺ.
6. 'That was the *Walîmah* of the Messenger of Allâh ﷺ': Only such sort of wedding feast was possible while traveling.

3383. It was narrated from Humaid that he heard Anas say: "The Messenger of Allâh ﷺ stayed

٣٣٨٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ نَصْرٍ قَالَ: حَدَّثَنَا أَيُّوبُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنِي أَبُو

with Ṣafiyyah bint Ḥuyayy bin Akhṭab on the way (back from) Khaibar for three days when he married her, then she was among those who were commanded to observe *Ḥijab*." (*Ṣaḥîḥ*)

بَكْرِ بْنُ أَبِي أُوَيْسٍ عَنْ سُلَيْمَانَ بْنِ بِلَالٍ، عَنْ يَحْيَى، عَنْ حُمَيْدٍ أَنَّهُ سَمِعَ أَنَسًا يَقُولُ: إِنَّ رَسُولَ اللهِ ﷺ أَقَامَ عَلَى صَفِيَّةَ بِنْتِ حُيَيِّ بْنِ أَخْطَبَ بِطَرِيقِ خَيْبَرَ ثَلَاثَةَ أَيَّامٍ حِينَ عَرَّسَ بِهَا، ثُمَّ كَانَتْ فِيمَنْ ضُرِبَ عَلَيْهَا الْحِجَابُ.

تخريج: أخرجه البخاري، المغازي، باب غزوة خيبر، ح:٤٢١٢ من حديث عبدالحميد وهو أبوبكر بن أبي أويس به، وهو في الكبرٰى، ح:٥٥٧٧ * يحيى هو ابن سعيد الأنصاري.

Comments:

1. 'Three days': This is because the one who already has a wife and marries thereupon another woman, he would stay with her particularly for a period of three days and nights. If she is a virgin, he would stay with her for a period of seven days. Then he would fix turns. Safiyyah was a widow. Allâh's Messenger ﷺ, therefore, stayed with her for three days. Thereupon, he fixed her turn.
2. 'She was among those': means she was not the Prophet's ﷺ slave woman. She was rather included among the wives of the Prophet ﷺ, because the Prophet ﷺ had emancipated her before marrying her. *Ḥijâb* was required for free women. This is why the words were made use of.

3384. It was narrated that Anas said: "The Prophet ﷺ stayed between Khaibar and Al-Madînah for three days when he consummated his marriage to Ṣafiyyah bint Ḥuyayy, and I invited the Muslims to his *Walîmah*, in which there was no bread or meat. He commanded that a leather cloth (be spread) and dates, cottage cheese and ghee were placed on it, and that was his *Walîmah*. The Muslims said: '(Will she be) one of the Mothers of the Believers, or a female slave whom his right hand possesses?' They said: 'If he has a *Ḥijâb* for her, then she will be one of the Mothers of the Believers and if she does not have a *Ḥijâb* then she will be a female slave whom his right hand possesses.' When he rode on,

٣٣٨٤ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنَا حُمَيْدٌ عَنْ أَنَسٍ قَالَ: أَقَامَ النَّبِيُّ ﷺ بَيْنَ خَيْبَرَ وَالْمَدِينَةِ ثَلَاثًا يَبْنِي بِصَفِيَّةَ بِنْتِ حُيَيٍّ، فَدَعَوْتُ الْمُسْلِمِينَ إِلَى وَلِيمَتِهِ، فَمَا كَانَ فِيهَا مِنْ خُبْزٍ وَلَا لَحْمٍ، أَمَرَ بِالْأَنْطَاعِ وَأَلْقَى عَلَيْهَا مِنَ التَّمْرِ وَالْأَقِطِ وَالسَّمْنِ فَكَانَتْ وَلِيمَتَهُ، فَقَالَ الْمُسْلِمُونَ: إِحْدَى أُمَّهَاتِ الْمُؤْمِنِينَ أَوْ مِمَّا مَلَكَتْ يَمِينُهُ، فَقَالُوا: إِنْ حَجَبَهَا فَهِيَ مِنْ أُمَّهَاتِ الْمُؤْمِنِينَ، وَإِنْ لَمْ يَحْجُبْهَا فَهِيَ مِمَّا مَلَكَتْ يَمِينُهُ، فَلَمَّا ارْتَحَلَ وَطَّأَ لَهَا خَلْفَهُ وَمَدَّ الْحِجَابَ بَيْنَهَا وَبَيْنَ النَّاسِ.

he set aside a plate for her behind him and extended a *Ḥijâb* between her and the people." (*Ṣaḥîḥ*)

تخريج:أخرجه البخاري، النكاح، باب اتخاذ السراري، ومن أعتق جاريةً ثم تزوجها، ح:٥٠٨٥ من حديث إسماعيل بن جعفر به، وهو في الكبرى، ح:٥٥٧٨

Chapter 80. Entertainment And Singing At Weddings

(المعجم ٨٠) - اللَّهْوُ وَالْغِنَاءُ عِنْدَ الْعُرْسِ (التحفة ٨٠)

3385. It was narrated that 'Âmir bin Sa'd said: "I entered upon Quraẓah bin Ka'b and Abû Mas'ûd Al-Anṣârî during a wedding and there were some young girls singing. I said: 'You are two of the Companions of the Messenger of Allâh ﷺ who were present at Badr, and this is being done in your presence!' They said: 'Sit down if you want and listen with us, or if you want you can go away. We were granted a concession allowing entertainment at weddings.'" (*Ṣaḥîḥ*)

٣٣٨٥ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ عَنْ أَبِي إِسحَاقَ، عَنْ عَامِرِ بْنِ سَعْدٍ قَالَ: دَخَلْتُ عَلَى قُرَظَةَ بْنِ كَعْبٍ وَأَبِي مَسْعُودٍ الْأَنْصَارِيِّ فِي عُرْسٍ، وَإِذَا جَوَارٍ يُغَنِّينَ فَقُلْتُ: أَنْتُمَا صَاحِبَا رَسُولِ اللهِ ﷺ وَمِنْ أَهْلِ بَدْرٍ يُفْعَلُ هٰذَا عِنْدَكُمْ! فَقَالَا: اجْلِسْ إِنْ شِئْتَ فَاسْمَعْ مَعَنَا، وَإِنْ شِئْتَ اذْهَبْ قَدْ رُخِّصَ لَنَا فِي اللَّهْوِ عِنْدَ الْعُرْسِ.

تخريج: [صحيح] أخرجه الطبراني (الكبير:١٧/٢٤٨، ح:٦٩١)، والحاكم:٢/١٨٤ من حديث شريك القاضي به، وتابعه إسرائيل عند الطبراني:١٧/٢٤٧، ح:٦٩٠، وهو في الكبرٰى، ح:٥٥٦٥، وله شاهد صحيح عند الحاكم:٢/١٨٤، وصححه على شرط الشيخين، ووافقه الذهبي.

Comments:

(See No. 3371)

Chapter 81. A Man Fitting Out His Daughter (For Marriage)

(المعجم ٨١) - جِهَازُ الرَّجُلِ ابْنَتَهُ (التحفة ٨١)

3386. It was narrated that 'Alî, may Allâh be pleased with him, said: "The Messenger of Allâh ﷺ fitted out Fâṭimah with a velvet dress, a water-skin and a pillow stuffed with *Idhkhar*." (*Ṣaḥîḥ*)

٣٣٨٦ - أَخْبَرَنَا نَصِيرُ بْنُ الْفَرَجِ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ زَائِدَةَ قَالَ: حَدَّثَنَا عَطَاءُ ابْنُ السَّائِبِ عَنْ أَبِيهِ، عَنْ عَلِيٍّ رَضِيَ اللهُ عَنْهُ قَالَ: جَهَّزَ رَسُولُ اللهِ ﷺ فَاطِمَةَ فِي خَمِيلٍ وَقِرْبَةٍ وَوِسَادَةٍ حَشْوُهَا إِذْخَرٌ.

تخريج: [صحيح] أخرجه ابن ماجه، الزهد، باب ضجاع آل محمد ﷺ، ح:٤١٥٢ من حديث عطاء بن السائب به، وهو في الكبرٰى، ح:٥٥٧٣، ورواه حماد بن سلمة وغيره عن عطاء به مطولاً، (ابن سعد:٨/ ٢٥) وللحديث شواهد.

Comments:

(See No. 3352)

Chapter 82. Beds

(المعجم ٨٢) - **الْفُرُشُ** (التحفة ٨٢)

3387. It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ said: "A bed for a man, a bed for his wife, a third for his guest and the fourth is for the Shaitân." (*Sahîh*)

٣٣٨٧ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنَا أَبُو هَانِيءٍ الْخَوْلَانِيُّ، أَنَّهُ سَمِعَ أَبَا عَبْدِ الرَّحْمٰنِ الْحُبُلِيَّ يَقُولُ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ، أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «فِرَاشٌ لِلرَّجُلِ وَفِرَاشٌ لِأَهْلِهِ وَالثَّالِثُ لِلضَّيْفِ وَالرَّابِعُ لِلشَّيْطَانِ».

تخريج: أخرجه مسلم، اللباس، باب كراهة ما زاد على الحاجة من الفراش واللباس، ح:٢٠٨٤ من حديث ابن وهب به، وهو في الكبرٰى، ح:٥٥٧٤ .

Comments:

'For the Satan or devil' means the thing which does not come into use is forbidden to keep. It is the work of Satan. If there are children and other individuals also, there is no harm even if one keeps scores of beds. It is permitted, because they are being used. 'The fourth' denotes those which are not used.

Chapter 83. *Anmât*[1]

(المعجم ٨٣) - **الْأَنْمَاطُ** (التحفة ٨٣)

3388. It was narrated that Jâbir said: "The Messenger of Allâh ﷺ said to me: 'Have you got married?' I said: 'Yes.' He said: 'Have you got any *Anmât*?' I said: 'How can we afford *Anmât*?' He said: 'You will be able to.'" (*Sahîh*)

٣٣٨٨ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ ابْنِ الْمُنْكَدِرِ، عَنْ جَابِرٍ قَالَ: قَالَ لِي رَسُولُ اللهِ ﷺ: «هَلْ تَزَوَّجْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «هَلِ اتَّخَذْتُمْ أَنْمَاطًا؟» قُلْتُ: وَأَنَّى لَنَا أَنْمَاطٌ؟ قَالَ: «إِنَّهَا سَتَكُونُ».

تخريج: أخرجه البخاري النكاح، باب الأنماط ونحوها للنساء، ح:٥١٦١، ومسلم، اللباس، باب جواز اتخاذ الأنماط، ح:٢٠٨٣ عن قتيبة به، وهو في الكبرٰى، ح:٥٥٧٥ * سفيان هو ابن عيينة.

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[1] Curtains, bedding sheets, etc.

Comments:

And the Prophet's ﷺ prediction soon proved true. Here the sheets mean bed-sheets, which are spread over mattresses as an outer covering. The purpose of the chapter might also have been to posit that it is permissible to keep bed-sheets in homes. (See *Al-Bukhârî*, No. 5161)

Chapter 84. Giving A Gift To The One Who Has Got Married

(المعجم ٨٤) - **الهَدِيَّةُ لِمَنْ عَرَسَ** (التحفة ٨٤)

3389. It was narrated from Al-Ja'd bin Abî 'Uthmân, that Anas bin Mâlik said: "The Messenger of Allâh ﷺ got married and consummated the marriage with his wife." He said: "My mother Umm Sulaim made some *Hais*, and I bought it to the Messenger of Allâh ﷺ and said: 'My mother sends you greetings of *Salâm*, and says to you: 'This is a little from us.''" He said: 'Put it down.' Then he said: 'Go and call so-and-so, and so-and-so, and whoever you meet,' and he named some men. So I called those whom he named, and those whom I met." I said to Anas: "How many were they?" He said: "About three hundred. Then the Messenger of Allâh ﷺ said: 'Let them sit around the dish of food in groups of ten, one after the other, and let each person eat from what is closest to him.' They ate until they were full, then one group went out and another group came in. He said to me: 'O Anas, clear it away.' So I cleared it away, and I do not know whether there was more when I cleared it away, or when I put it down." (*Sahîh*)

٣٣٨٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا جَعْفَرٌ - وَهُوَ ابْنُ سُلَيْمَانَ - عَنِ الْجَعْدِ أَبِي عُثْمَانَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: تَزَوَّجَ رَسُولُ اللهِ ﷺ فَدَخَلَ بِأَهْلِهِ، قَالَ: وَصَنَعَتْ أُمِّي أُمُّ سُلَيْمٍ حَيْسًا، قَالَ: فَذَهَبْتُ بِهِ. إِلَى رَسُولِ اللهِ ﷺ فَقُلْتُ: إِنَّ أُمِّي تُقْرِئُكَ السَّلَامَ وَتَقُولُ لَكَ: إِنَّ هٰذَا لَكَ مِنَّا قَلِيلٌ، قَالَ: «ضَعْهُ» ثُمَّ قَالَ: «اذْهَبْ فَادْعُ فُلَانًا وَفُلَانًا وَمَنْ لَقِيتَ» وَسَمَّى رِجَالًا، فَدَعَوْتُ مَنْ سَمَّى وَمَنْ لَقِيتُهُ، قُلْتُ لِأَنَسٍ: عِدَّةُ كَمْ كَانُوا؟ قَالَ: يَعْنِي زُهَاءَ ثَلَاثِمِائَةٍ، فَقَالَ رَسُولُ اللهِ ﷺ: «لِيَتَحَلَّقْ عَشَرَةٌ عَشَرَةٌ فَلْيَأْكُلْ كُلُّ إِنْسَانٍ مِمَّا يَلِيهِ». فَأَكَلُوا حَتَّى شَبِعُوا، فَخَرَجَتْ طَائِفَةٌ وَدَخَلَتْ طَائِفَةٌ، قَالَ لِي: «يَا أَنَسُ! ارْفَعْ فَرَفَعْتُ» فَمَا أَدْرِي حِينَ رَفَعْتُ كَانَ أَكْثَرَ أَمْ حِينَ وَضَعْتُ!.

تخريج: أخرجه مسلم، النكاح، باب زواج زينب بنت جحش ونزول الحجاب، وإثبات وليمة العرس، ح:١٤٢٨/ ٩٤ عن قتيبة، والبخاري، النكاح، باب الهدية للعروس، ح:٥١٦٣ معلقًا من

حديث الجعد به، وهو في الكبرى، ح:٥٥٧٩.

Comments:

On the occasion of marriage, to bestow nuptial gifts to the groom and his bride, to give clothes and other presents, to invite the couple later for a mea, etc., all these things come under this narration. One should, however, guard against excess. Giving gifts to the couple for their new life together also falls in this category. This constitutes fraternal and friendly mutual exchange which comes in good stead for the couple. It increases affection, perpetuates relationships, and strengthens bonds.

3390. It was narrated from Humaid At-Tawîl that he heard Anas say: "The Messenger of Allâh ﷺ established the bond of brotherhood between (some of) the Quraish and (some of) the Ansâr, and he established the bond of brotherhood between Sa'd bin Ar-Rabî' and 'Abdur-Rahmân bin 'Awf. Sa'd said to him: 'I have wealth, which I will share equally between you and me. And I have two wives, so look and see which one you like better, and I will divorce her, and when her *'Iddah* is over you can marry her.' He said: 'May Allâh bless your family and your wealth for you. Show me – i.e., where the market is.' And he did not come back until he brought some ghee, and cottage cheese that he had left over. He said: 'The Messenger of Allâh ﷺ saw traces of yellow perfume on me and he said: 'What is this for?' I said: 'I have married a woman from among the Ansâr.' He said: 'Give a *Walîmah* (wedding feast) even if it is with one sheep.'" (*Sahîh*)

٣٣٩٠ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنِ الْوَزِيرِ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ كَثِيرِ بْنِ عُفَيْرٍ قَالَ: أَخْبَرَنِي سُلَيْمَانُ بْنُ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسٍ أَنَّهُ سَمِعَهُ يَقُولُ: آخَى رَسُولُ اللهِ ﷺ بَيْنَ قُرَيْشٍ وَالْأَنْصَارِ فَآخَى بَيْنَ سَعْدِ بْنِ الرَّبِيعِ وَعَبْدِ الرَّحْمٰنِ بْنِ عَوْفٍ فَقَالَ لَهُ سَعْدٌ: إِنَّ لِي مَالًا فَهُوَ بَيْنِي وَبَيْنَكَ شَطْرَانِ، وَلِي امْرَأَتَانِ فَانْظُرْ أَيُّهُمَا أَحَبُّ إِلَيْكَ فَأَنَا أُطَلِّقُهَا، فَإِذَا حَلَّتْ فَتَزَوَّجْهَا، قَالَ: بَارَكَ اللهُ لَكَ فِي أَهْلِكَ وَمَالِكَ دُلُّونِي - أَيْ عَلَى السُّوقِ -، فَلَمْ يَرْجِعْ حَتَّى رَجَعَ بِسَمْنٍ وَأَقِطٍ قَدْ أَفْضَلَهُ، قَالَ: وَرَأَى رَسُولُ اللهِ ﷺ عَلَيَّ أَثَرَ صُفْرَةٍ فَقَالَ: «مَهْيَمْ؟» فَقُلْتُ: تَزَوَّجْتُ امْرَأَةً مِنَ الْأَنْصَارِ، فَقَالَ: «أَوْلِمْ وَلَوْ بِشَاةٍ».

تخريج: [صحيح] تقدم، ح:٣٣٧٦، وهو في الكبرى، ح:٥٥٨٠.

Comments:

1. The expansive bond of brotherhood between the Emigrants (Muhajireen) and Helpers (Ansâr) is a great and unparalleled achievement in human history.

No other religion, dogmatic theory, or movement can present its equal, which bound together people non-related in a bond more effective and substantial than blood relationship - more effective and substantial than what is found among mothers - begotten real brothers, particularly at a time when people used to be each other's enemies without any reason. Is there any man around who can present to his real brother what Sa'd bin Rabi' presented? May Allâh be pleased with them.

2. The name of the woman mentioned is Umm Aws bint Anas.

36. The Book Of The Kind Treatment Of Women[1]

(المعجم ٣٦) - كِتَابُ عِشْرَةِ النِّسَاءِ (التحفة ٩)

Chapter 1. Love Of Women

(المعجم ١) - بَابُ حُبِّ النِّسَاءِ (التحفة ١)

3391. It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'In this world, women and perfume have been made dear to me, and my comfort has been provided in prayer.'" (*Hasan*)

٣٣٩١ - حَدَّثَنَا الشَّيْخُ الْإِمَامُ أَبُو عَبْدِ الرَّحْمٰنِ النَّسَائِيُّ قَالَ: أَخْبَرَنَا الْحُسَيْنُ بْنُ عِيسَى الْقُومَسِيُّ قَالَ: حَدَّثَنَا عَفَّانُ بْنُ مُسْلِمٍ قَالَ: حَدَّثَنَا سَلَّامٌ أَبُو الْمُنْذِرِ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «حُبِّبَ إِلَيَّ مِنَ الدُّنْيَا النِّسَاءُ وَالطِّيبُ، وَجُعِلَ قُرَّةُ عَيْنِي فِي الصَّلَاةِ».

تخريج: [إسناده حسن] أخرجه أحمد:٣/ ٢٨٥ عن عفان به، وهو في الكبرى، ح:٨٨٨٧، وحسنه الحافظ في التلخيص:٣/ ١١٦ .

Comments:

'Coolness of my eyes' means my genuine pleasure and contentment reside in prayer, which are impossible for one to obtain from one's wife and fragrance. This is because ritual prayer is conversing with the Lord of the worlds, Who is the beloved of all, and the remembrance of the beloved is superior to everything.

3392. It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'Women and perfume have been made dear to me, but my comfort has been provided in prayer'." (*Hasan*)

٣٣٩٢ - أَخْبَرَنَا عَلِيُّ بْنُ مُسْلِمٍ الطُّوسِيُّ قَالَ: حَدَّثَنَا سَيَّارٌ قَالَ: حَدَّثَنَا جَعْفَرٌ قَالَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «حُبِّبَ إِلَيَّ النِّسَاءُ وَالطِّيبُ وَجُعِلَتْ قُرَّةُ عَيْنِي فِي الصَّلَاةِ».

تخريج: [إسناده حسن] أخرجه الحاكم:٢/ ١٦٠ من حديث سيار بن حاتم به، وهو في الكبرى، ح:٨٨٨٨، وصححه الحاكم على شرط مسلم، ووافقه الذهبي * جعفر هو ابن سليمان.

[1] Manuscripts differ over the location of this book, as well as the order of its narrations. Take note that the number of the book (36) is out of sequence, this is because (36) is its number according to *Al-Mu'jam Al-Mufahris li-Alfâẓ Ḥadîth*, whose book and chapter numbers were followed for our edition.

3393. It was narrated that Anas bin Mâlik said: "Nothing was dearer to the Messenger of Allâh ﷺ after women than horses." (*Ḍa'îf*)

٣٣٩٣ - أَخْبَرَنَا أَحْمَدُ بْنُ حَفْصِ بْنِ عَبْدِ اللهِ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي إِبْرَاهِيمُ - هُوَ ابْنُ طَهْمَانَ - عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: لَمْ يَكُنْ شَيْءٌ أَحَبَّ إِلَى رَسُولِ اللهِ ﷺ بَعْدَ النِّسَاءِ مِنَ الْخَيْلِ.

تخريج: [ضعيف] سيأتي، ح:٣٥٩٤، وهو في الكبرى، ح:٨٨٨٩.

Comments:

The horse is a brave and courageous animal, which surpasses even the bravery of man. Hence, the horse is immensely beneficial to human life. One of the reasons for Allâh's Messenger's ﷺ love of horses was their use in *Jihâd*. That is why a horse receives two portions of the spoils of war, while man receives one. See No. 3623.

Chapter 2. A Man Being Inclined To Favor One Of His Wives Over Another

(المعجم ٢) - مَيْلُ الرَّجُلِ إِلَى بَعْضِ نِسَائِهِ دُونَ بَعْضٍ (التحفة ٢)

3394. It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever has two wives and is inclined to favor one of them over the other, he will come on the Day of Resurrection with half of his body leaning." (*Ḍa'îf*)

٣٣٩٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا هَمَّامٌ عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ كانَ لَهُ امْرَأَتَانِ يَمِيلُ لِإِحْدَاهُمَا عَلَى الْأُخْرَى جَاءَ يَوْمَ الْقِيَامَةِ أَحَدُ شِقَّيْهِ مَائِلٌ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، النكاح، باب ماجاء في التسوية بين الضرائر، ح:١١٤١ من حديث عبدالرحمن بن مهدي به، وهو في الكبرى، ح:٨٨٩٠، وصححه ابن حبان، والحاكم، والذهبي * قتادة عنعن تقدم، ح:٣٤، وله شاهد ضعيف عند أبي نعيم في أخبار أصبهان: ٢/ ٣٠٠ .

Comments:

The reward of deeds is similar to the deeds. Since this man maintained one-sided behavior in the life of this world on the Day of Judgment his gait would lack equilibrium or balance, he would but walk like a lame person, whose one leg is shorter than the other. His tilt (in the world) does not denote the inclination of his heart. It rather signifies his outer behavior for instance, taking turns, subsistence, etc., because the domain of the heart belongs to Allâh. It is in the hands of Allâh. Man proves himself helpless in many a matter of the heart. Hence, one will not face any reproof over it.

3395. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ used to divide his time equally among his wives then he would say: 'O Allâh, this is what I have done with regard to that over which I have control, so do not blame me for that over which You have control and I do not.'" (*Sahîh*) Hammâd bin Zaid narrated it in *Mursal* form.[1]

٣٣٩٥ - أَخْبَرَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا حَمَّادُ ابْنُ سَلَمَةَ عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ عَبْدِ اللهِ بْنِ يَزِيدَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللهِ ﷺ يَقْسِمُ بَيْنَ نِسَائِهِ فَيَعْدِلُ ثُمَّ يَقُولُ: «اللَّهُمَّ! هٰذَا فِعْلِي فِيمَا أَمْلِكُ فَلَا تَلُمْنِي فِيمَا تَمْلِكُ وَلَا أَمْلِكُ». أَرْسَلَهُ حَمَّادُ ابْنُ زَيْدٍ.

تخريج: **[إسناده صحيح]** أخرجه ابن ماجه، النكاح، باب القسمة بين النساء، ح:١٩٧١ من حديث يزيد بن هارون به، وهو في الكبرٰى، ح:٨٨٩١، وصححه ابن حبان، ح:١٣٠٥، والحاكم علٰى شرط مسلم:٢/١٨٧، ووافقه الذهبي ۞ أبوقلابة بريء من التدليس كما حققه أبوحاتم الرازي، انظر كتابي: "الكواكب الدرية في وجوب الفاتحة خلف الإمام في الجهرية".

Comments:

"That over which I have no control" means the love of heart, because this is affiliated to the personality, attributes, and demeanor of the person concerned. Individuals are not equal to each other in this domain. The love also, therefore, cannot be of the same depth and intensity.

Chapter 3. When A Man Loves One Of His Wives More Than Another

(المعجم ٣) - حُبُّ الرَّجُلِ بَعْضَ نِسَائِهِ أَكْثَرَ مِنْ بَعْضٍ (التحفة ٣)

3396. 'Âishah said: "The wives of the Prophet ﷺ sent Fâtimah, the daughter of the Messenger of Allâh ﷺ, to the Messenger of Allâh ﷺ. She asked permission to enter when he was lying with me under my cover. He gave her permission to enter, and she said: 'O Messenger of Allâh, your wives have sent me to you to ask you to

٣٣٩٦ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعْدِ بْنِ إِبْرَاهِيمَ بْنِ سَعْدٍ قَالَ: حَدَّثَنَا عَمِّي قَالَ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ الرَّحْمٰنِ بْنِ الْحَارِثِ ابْنِ هِشَامٍ أَنَّ عَائِشَةَ قَالَتْ: أَرْسَلَ أَزْوَاجُ النَّبِيِّ ﷺ فَاطِمَةَ بِنْتَ رَسُولِ اللهِ ﷺ إِلَى رَسُولِ اللهِ ﷺ، فَاسْتَأْذَنَتْ عَلَيْهِ وَهُوَ

[1] Meaning: This *Hadîth*, which the author cited, is narrrated by Hammâd bin Salamah, from Ayyûb from Abû Qilâbah, from 'Abdullâh bin Yazîd, from 'Âishah, while Hammâd bin Zaid has narrated it from Ayyûb, from Abû Qilâbah, without mention of 'Abdullâh Nor 'Âishah. See At-Tirmidhî's discussion of it after No. 1140, and *Tuhfat Al-Ashrâf* No. 16290.

be equitable with regard to the matter of the daughter of Abû Quhâfah.' I ('Âishah) kept quiet and the Messenger of Allâh ﷺ said to her: 'O my daughter! Do you not love the one whom I love?' She said: 'Yes.' He said: 'Then love this one.' Fâṭimah stood up when she heard this and left the Messenger of Allâh ﷺ, and went back to the wives of the Prophet ﷺ. She told them what she had said, and what he had said to her. They said to her: 'We do not think that you have been of any avail to us. Go back to the Messenger of Allâh ﷺ and say to him: Your wives are urging you to be equitable with regard to the matter of the daughter of Abû Quhâfah.''' Fâṭimah said: 'No, by Allâh; I will never speak to him about her again.''' 'Âishah said: "So the wives of the Prophet ﷺ sent Zainab bint Jaḥsh to the Messenger of Allâh ﷺ; she was one who was somewhat equal to me in rank in the eyes of the Messenger of Allâh ﷺ. And I have never seen a woman who was better in religious commitment than Zainab, more fearing of Allâh, more honest in speech, more dutiful in upholding the ties of kinship, more generous in giving charity, and devoted in giving of herself in acts of charity, by means of which she sought to draw closer to Allâh. But she was quick-tempered; however, she was also quick to calm down. She asked permission to enter upon the Messenger of Allâh ﷺ when he

مُضْطَجِعٌ مَعِي فِي مِرْطِي فَأَذِنَ لَهَا، فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ أَزْوَاجَكَ أَرْسَلْنَنِي إِلَيْكَ يَسْأَلْنَكَ الْعَدْلَ فِي ابْنَةِ أَبِي قُحَافَةَ وَأَنَا سَاكِتَةٌ، فَقَالَ لَهَا رَسُولُ اللهِ ﷺ: «أَيْ بُنَيَّةُ! أَلَسْتِ تُحِبِّينَ مَنْ أُحِبُّ؟» قَالَتْ: بَلَى، قَالَ: «فَأَحِبِّي هٰذِهِ». فَقَامَتْ فَاطِمَةُ حِينَ سَمِعَتْ ذٰلِكَ مِنْ رَسُولِ اللهِ ﷺ، فَرَجَعَتْ إِلَى أَزْوَاجِ النَّبِيِّ ﷺ فَأَخْبَرَتْهُنَّ بِالَّذِي قَالَتْ وَالَّذِي قَالَ لَهَا، فَقُلْنَ لَهَا: مَا نَرَاكِ أَغْنَيْتِ عَنَّا مِنْ شَيْءٍ فَارْجِعِي إِلَى رَسُولِ اللهِ ﷺ فَقُولِي لَهُ: إِنَّ أَزْوَاجَكَ يَنْشُدْنَكَ الْعَدْلَ فِي ابْنَةِ أَبِي قُحَافَةَ، قَالَتْ فَاطِمَةُ: لَا وَاللّٰهِ! لَا أُكَلِّمُهُ فِيهَا أَبَدًا، قَالَتْ عَائِشَةُ: فَأَرْسَلَ أَزْوَاجُ النَّبِيِّ ﷺ زَيْنَبَ بِنْتَ جَحْشٍ إِلَى رَسُولِ اللهِ ﷺ وَهِيَ الَّتِي كَانَتْ تُسَامِينِي مِنْ أَزْوَاجِ النَّبِيِّ ﷺ فِي الْمَنْزِلَةِ عِنْدَ رَسُولِ اللهِ ﷺ، وَلَمْ أَرَ امْرَأَةً قَطُّ خَيْرًا فِي الدِّينِ مِنْ زَيْنَبَ وَأَتْقَى لِلّٰهِ عَزَّ وَجَلَّ وَأَصْدَقَ حَدِيثًا وَأَوْصَلَ لِلرَّحِمِ وَأَعْظَمَ صَدَقَةً وَأَشَدَّ ابْتِذَالًا لِنَفْسِهَا فِي الْعَمَلِ الَّذِي تَصَدَّقُ بِهِ وَتَقَرَّبُ بِهِ، مَا عَدَا سَوْرَةً مِنْ حِدَّةٍ كَانَتْ فِيهَا تُسْرِعُ مِنْهَا الْفَيْئَةَ، فَاسْتَأْذَنَتْ عَلَى رَسُولِ اللهِ ﷺ وَرَسُولُ اللهِ ﷺ مَعَ عَائِشَةَ فِي مِرْطِهَا عَلَى الْحَالِ الَّتِي كَانَتْ دَخَلَتْ فَاطِمَةُ عَلَيْهَا، فَأَذِنَ لَهَا رَسُولُ اللهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ أَزْوَاجَكَ أَرْسَلْنَنِي يَسْأَلْنَكَ الْعَدْلَ فِي ابْنَةِ أَبِي قُحَافَةَ، وَوَقَعَتْ بِي فَاسْتَطَالَتْ وَأَنَا أَرْقُبُ

was with 'Âishah under her cover, in the same situation as when Fâṭimah had entered. The Messenger of Allâh ﷺ gave her permission to enter and she said: 'O Messenger of Allâh, your wives have sent me to ask you to be equitable with regard to the matter of the daughter of Abû Quḥâfah.' Then she verbally abused me at length, and I was watching the Messenger of Allâh ﷺ to see if he would allow me to respond. Zainab went on until I realized that the Messenger of Allâh ﷺ would not disapprove if I responded. Then I spoke back to her in such a way, until I silenced her. Then the Messenger of Allâh ﷺ said: 'She is the daughter of Abû Bakr.'" (*Ṣaḥîḥ*)

رَسُولَ اللهِ ﷺ وَأَرْقُبُ طَرْفَهُ هَلْ أَذِنَ لِي فِيهَا، فَلَمْ تَبْرَحْ زَيْنَبُ حَتَّى عَرَفْتُ أَنَّ رَسُولَ اللهِ ﷺ لَا يَكْرَهُ أَنْ أَنْتَصِرَ، فَلَمَّا وَقَعْتُ بِهَا لَمْ أَنْشَبْهَا بِشَيْءٍ حَتَّى أَثْخَنْتُ عَلَيْهَا، فَقَالَ رَسُولُ اللهِ ﷺ: «إِنَّهَا ابْنَةُ أَبِي بَكْرٍ».

تخريج: أخرجه مسلم، فضائل الصحابة، باب: في فضائل عائشة أم المؤمنين رضي الله عنها، ح:٢٤٤٢ من حديث يعقوب بن إبراهيم بن سعد، عم عبيدالله به، وهو في الكبرٰى، ح:٨٨٩٢، وعلقه البخاري، ح:٢٥٨١ * صالح هو ابن كيسان.

Comments:

1. 'The daughter of Abû Quhâfah': This was uttered with a view to humiliate, because when they wanted to express their dislike toward someone, the Arabs used to attribute the object of their contempt to non-popular parentage. Abû Quhâfah was actually the name of Abû Bakr's father, who had till then not accepted Islam. Kinship was ascribed to the grandfather instead of father.
2. 'Some what equal to me' because she belonged to the household of the Prophet ﷺ. She was the daughter of the Prophet's ﷺ paternal aunt. Besides, she had come into the Prophet's ﷺ wedlock by Allâh's command.
3. 'The daughter of Abû Bakr': Praised her; she was extolled as of having excellent moral character, patience, endurance, terse and to-the-point speech, fluent and eloquent, which compelled Zainab to become silent. Abû Bakr too possessed these qualities, to the point of their perfection. He, therefore, attributed her to him. He could have otherwise simply stated: She is 'Âishah. (May Allâh be pleased with her).

3397. It was narrated that 'Âishah mentioned a similar report and said: "The wives of the Prophet ﷺ

٣٣٩٧ - أَخْبَرَنِي عِمْرَانُ بْنُ بَكَّارٍ الْحِمْصِيُّ قَالَ: حَدَّثَنَا أَبُو الْيَمَانِ قَالَ:

أَخْبَرَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ الرَّحْمٰنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ أَنَّ عَائِشَةَ قَالَتْ: فَذَكَرَتْ نَحْوَهُ وَقَالَتْ: أَرْسَلَ أَزْوَاجُ النَّبِيِّ ﷺ زَيْنَبَ فَاسْتَأْذَنَتْ فَأَذِنَ لَهَا فَدَخَلَتْ، فَقَالَتْ نَحْوَهُ. خَالَفَهُمَا مَعْمَرٌ، رَوَاهُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ.

sent Zainab and she asked him permission to enter and she entered." (*Ṣaḥîḥ*) And she said something similar. Ma'mar contradicted the two of them;[1] he reported it from Az-Zuhrî, from 'Urwah, from 'Âishah:

تخريج: [**صحيح**] انظر الحديث السابق، وهو في الكبرٰى، ح:٨٨٩٣.

٣٣٩٨ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ رَافِعٍ النَّيْسَابُورِيُّ الثِّقَةُ الْمَأْمُونُ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: اجْتَمَعْنَ أَزْوَاجُ النَّبِيِّ ﷺ فَأَرْسَلْنَ فَاطِمَةَ إِلَى النَّبِيِّ ﷺ فَقُلْنَ لَهَا: إِنَّ نِسَاءَكَ، - وَذَكَرَ كَلِمَةً مَعْنَاهَا يَنْشُدْنَكَ الْعَدْلَ فِي ابْنَةِ أَبِي قُحَافَةَ - قَالَتْ: فَدَخَلَتْ عَلَى النَّبِيِّ ﷺ وَهُوَ مَعَ عَائِشَةَ فِي مِرْطِهَا فَقَالَتْ لَهُ: إِنَّ نِسَاءَكَ أَرْسَلْنَنِي وَهُنَّ يَنْشُدْنَكَ الْعَدْلَ فِي ابْنَةِ أَبِي قُحَافَةَ، فَقَالَ لَهَا النَّبِيُّ ﷺ: «أَتُحِبِّينِي» قَالَتْ: نَعَمْ، قَالَ: «فَأَحِبِّيهَا» قَالَتْ: فَرَجَعَتْ إِلَيْهِنَّ فَأَخْبَرَتْهُنَّ مَا قَالَ، فَقُلْنَ لَهَا: إِنَّكِ لَمْ تَصْنَعِي شَيْئًا فَارْجِعِي إِلَيْهِ، فَقَالَتْ: وَاللّٰهِ! لَا أَرْجِعُ إِلَيْهِ فِيهَا أَبَدًا وَكَانَتِ ابْنَةُ رَسُولِ اللّٰهِ ﷺ حَقًّا، فَأَرْسَلْنَ زَيْنَبَ بِنْتَ جَحْشٍ، قَالَتْ عَائِشَةُ: وَهِيَ الَّتِي كَانَتْ تُسَامِينِي مِنْ أَزْوَاجِ النَّبِيِّ ﷺ، فَقَالَتْ:

3398. It was narrated that 'Âishah said: "The wives of the Prophet ﷺ got together and sent Fâṭimah to the Prophet ﷺ. They told her to say: 'Your wives'" - and he (the narrator) said something to the effect that they are urging you to be equitable with regard to the matter of the daughter of Abû Quḥâfah. She said: "So she entered upon the Prophet ﷺ when he was with 'Âishah under her cover. She said to him: 'Your wives have sent me and they are urging you to be equitable with regard to the matter of the daughter of Abû Quḥâfah.' The Prophet ﷺ said to her: 'Do you love me?' She said: 'Yes.' He said: 'Then love her.' So she went back to them and told them what he said. They said to her: 'You did not do anything; go back to him.' She said: 'By Allâh, I will never go back (and speak to him) about her again.' She was truly the daughter of the Messenger of Allâh ﷺ. So

[1] That is Shu'aib and Ṣâliḥ who reported the last two narrations from him.

they sent Zainab bint Jahsh." 'Âishah said: "She was somewhat my equal among the wives of the Prophet ﷺ. She said: 'Your wives have sent me to urge you to be equitable with regard to the matter of the daughter of Abû Quhâfah.' Then she swooped on me and abused me, and I started watching the Prophet ﷺ to see if he would give me permission to respond to her. She insulted me and I started to think that he would not disapprove if I responded to her. So I insulted her and I soon silenced her. Then the Prophet ﷺ said to her: 'She is the daughter of Abû Bakr."' 'Âishah said: "And I never saw any woman who was better, more generous in giving charity, more keen to uphold the ties of kinship, and more generous in giving of herself in everything by means of which she could draw closer to Allâh than Zainab. But she had a quick temper; however, she was also quick to calm down." (*Sahîh*)

Abû 'Abdur-Rahmân (An-Nasâ'î) said: This is a mistake, and what is correct is the one which is before it.

إِنَّ أَزْوَاجَكَ أَرْسَلْنَنِي وَهُنَّ يَنْشُدْنَكَ الْعَدْلَ فِي ابْنَةِ أَبِي قُحَافَةَ، ثُمَّ أَقْبَلَتْ عَلَيَّ تَشْتِمُنِي فَجَعَلْتُ أُرَاقِبُ النَّبِيَّ ﷺ وَأَنْظُرُ طَرْفَهُ هَلْ يَأْذَنُ لِي مِنْ أَنْ أَنْتَصِرَ مِنْهَا، قَالَتْ: فَشَتَمَتْنِي فَجَعَلْتُ حَتَّى ظَنَنْتُ أَنَّهُ لَا يَكْرَهُ أَنْ أَنْتَصِرَ مِنْهَا فَاسْتَقْبَلْتُهَا فَلَمْ أَلْبَثْ أَنْ أَفْحَمْتُهَا، فَقَالَ لَهَا النَّبِيُّ ﷺ: «إِنَّهَا ابْنَةُ أَبِي بَكْرٍ» قَالَتْ عَائِشَةُ: فَلَمْ أَرَ امْرَأَةً خَيْرًا وَلَا أَكْثَرَ صَدَقَةً وَلَا أَوْصَلَ لِلرَّحِمِ وَأَبْذَلَ لِنَفْسِهَا فِي كُلِّ شَيْءٍ يُتَقَرَّبُ بِهِ إِلَى اللهِ تَعَالَى مِنْ زَيْنَبَ، مَا عَدَا سَوْرَةً مِنْ حِدَّةٍ كَانَتْ فِيهَا تُوشِكُ مِنْهَا الْفَيْئَةَ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا خَطَأٌ وَالصَّوَابُ الَّذِي قَبْلَهُ.

تخريج: [صحيح] أخرجه أحمد: ٦/ ١٥٠ عن عبدالرزاق به، وهو في الكبرى، ح: ٨٨٩٤، وانظر الحديثين السابقين.

Comments:

1. Fatimah's calling 'Âishah 'the daughter of Abû Quhâfah' in actuality was in order to report the speech of the wives of the Prophet ﷺ verbatim. Otherwise, it was not possible for her to perpetrate such disrespect in her prestigious standing, because 'Âishah enjoyed the rank of being her mother. The rest of the Prophet's ﷺ wives equaled her. She was in a position to speak to them thusly.
2. 'Toward his eyes': In expectation that he would perhaps make a suggestion.

But the Messenger of Allâh ﷺ was not used to make any secret indication with his eyes, as it falls under the category of deception for the other party. And he was innocent and pure of such things.

3. 'She was truly the daughter' means who loved the Prophet ﷺ deeply and sincerely. She greatly respected him and possessed his habits and traits. (May Allâh be pleased with her and she with Him).

3399. It was narrated from Abû Mûsa that the Prophet ﷺ said: "The superiority of 'Âishah to other women is like the superiority of *Tharîd* to other kinds of food." (*Sahîh*)

٣٣٩٩ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا بِشْرٌ - يَعْنِي ابْنَ الْمُفَضَّلِ - قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ مُرَّةَ، عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ قَالَ: «فَضْلُ عَائِشَةَ عَلَى النِّسَاءِ كَفَضْلِ الثَّرِيدِ عَلَى سَائِرِ الطَّعَامِ».

تخريج: أخرجه البخاري، أحاديث الأنبياء، باب قول الله تعالى: ﴿وضرب الله مثلاً للذين آمنوا ... إلخ﴾، ح:٣٤١١، ومسلم، فضائل الصحابة، باب من فضائل خديجة أم المؤمنين رضي الله تعالى عنها، ح:٢٤٣١ من حديث شعبة به، وهو في الكبرٰى، ح:٨٨٩٥ .

Comments:

Tharîd, a popular dish of the Arabs consisting of very thin bread soaked in a broth of meat, is easy to prepare and easy to digest. The knowledge of 'Âishah ؓ was easily obtainable for the nation. The fact of the matter is that the knowledge of 'Âishah ؓ gave benefit to the *Ummah*, which other women could not give, even a portion of. Even men could not surpass her in memory, intelligence, sagacity, prudence, fluency, eloquence, education, and oratory, May Allâh be pleased with her. It transpires from other narrations that the best of the women of the nation is the Prophet's ﷺ first wife, Khadijah ؓ whom the Prophet ﷺ could not forget till the last breath of his life.

3400. It was narrated from 'Âishah that the Prophet ﷺ said: "The superiority of 'Âishah to other women is like the superiority of *Tharîd* to other kinds of food." (*Hasan*)

٣٤٠٠ - أَخْبَرَنَا عَلِيُّ بْنُ خَشْرَمٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنِ ابْنِ أَبِي ذِئْبٍ، عَنِ الْحَارِثِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «فَضْلُ عَائِشَةَ عَلَى النِّسَاءِ كَفَضْلِ الثَّرِيدِ عَلَى سَائِرِ الطَّعَامِ».

تخريج: [إسناده حسن] أخرجه أحمد:٦/١٥٩ من حديث محمد بن عبدالرحمٰن بن أبي ذئب به، وهو في الكبرٰى، ح:٨٨٩٦ .

3401. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ said: 'O Umm Salamah, do not bother me about 'Âishah, for by Allâh, the Revelation has never come to me under the blanket of any of you apart from her.''' (*Ṣaḥîḥ*)

٣٤٠١ - أَخْبَرَنَا أَبُو بَكْرِ بْنُ إِسْحَاقَ الصَّغَانِيُّ قَالَ: حَدَّثَنَا شَاذَانُ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللهِ ﷺ: «يَا أُمَّ سَلَمَةَ! لَا تُؤْذِينِي فِي عَائِشَةَ فَإِنَّهُ وَاللَّهِ! مَا أَتَانِي الْوَحْيُ فِي لِحَافِ امْرَأَةٍ مِنْكُنَّ إِلَّا هِيَ».

تخريج: أخرجه البخاري، الهبة وفضلها والتحريض عليها، باب من أهدى إلى صاحبه، ... إلخ، ح: ٢٥٨١ من حديث هشام به مطولاً، وهو في الكبرٰى، ح: ٨٨٩٧ .

Comments:

And the *Wahiy* or Revelation is from Allâh, Most High. "Her rank is more to Allâh than the rank of all of you." In this narration, however, there is no comparison of her with Khadijah ﵂. This is because she was not alive at the time, and Allâh's Messenger ﷺ has said: *Minkunn*, which means "any of you women".

3402. It was narrated from Umm Salamah that the wives of the Prophet ﷺ asked her to speak to the Prophet ﷺ and tell him, that the people were trying to bring their gifts to him when it was 'Âishah's day, and to say to him: "We love good things as much as 'Âishah does." So she spoke to him, but he did not reply her. When her turn came again, she spoke to him again, but he did not reply her. They said to her: "How did he respond?" She said: "He did not answer me." They said: "Do not leave him alone until he answers you or you comprehend what he says." When her turn came again, she spoke to him and he said: 'Do not bother me about 'Âishah, for the Revelation has never come to me under the

٣٤٠٢ - أَخْبَرَنِي مُحَمَّدُ بْنُ آدَمَ عَنْ عَبْدَةَ، عَنْ هِشَامٍ، عَنْ عَوْفِ بْنِ الْحَارِثِ، عَنْ رُمَيْثَةَ، عَنْ أُمِّ سَلَمَةَ: أَنَّ نِسَاءَ النَّبِيِّ ﷺ كَلَّمْنَهَا أَنْ تُكَلِّمَ النَّبِيَّ ﷺ أَنَّ النَّاسَ كَانُوا يَتَحَرَّوْنَ بِهَدَايَاهُمْ يَوْمَ عَائِشَةَ وَتَقُولُ لَهُ: إِنَّا نُحِبُّ الْخَيْرَ كَمَا تُحِبُّ عَائِشَةُ، فَكَلَّمَتْهُ فَلَمْ يُجِبْهَا، فَلَمَّا دَارَ عَلَيْهَا كَلَّمَتْهُ أَيْضًا فَلَمْ يُجِبْهَا، وَقُلْنَ: مَا رَدَّ عَلَيْكِ؟ قَالَتْ: لَمْ يُجِبْنِي، قُلْنَ: لَا تَدَعِيهِ حَتَّى يَرُدَّ عَلَيْكِ أَوْ تَنْظُرِينَ مَا يَقُولُ، فَلَمَّا دَارَ عَلَيْهَا كَلَّمَتْهُ، فَقَالَ: «لَا تُؤْذِينِي فِي عَائِشَةَ فَإِنَّهُ لَمْ يَنْزِلْ عَلَيَّ الْوَحْيُ وَأَنَا فِي لِحَافِ امْرَأَةٍ مِنْكُنَّ إِلَّا فِي لِحَافِ عَائِشَةَ».

blanket of any of you apart from the blanket of 'Âishah.'" (*Sahîh*)

Abû 'Abdur-Rahmân (An-Nasâ'î) said: These two *Hadîths* of 'Abdah are *Sahîh*.[1]

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَانِ الْحَدِيثَانِ صَحِيحَانِ عَنْ عَبْدَةَ.

تخريج: [صحيح] أخرجه أحمد: ٦/ ٢٩٣ من حديث هشام بن عروة به، وهو في الكبرٰى، ح: ٨٨٩٨ * عوف هو ابن الحارث بن الطفيل، وأخته رميثة وهي أم عبدالله بن محمد بن أبي عتيق، وللحديث شواهد.

Comments:

1. This is an elaborated narration from which the occasion and the place of the previous narration became known. Deliberately sending the presents on the day of 'Âishah's turn was due to the fact that they knew that Allâh's Messenger ﷺ loved her so much, and sending presents there would make him happy. The Companions, knowing the Prophet's ﷺ great love for 'Âishah ؓ, chose those particular days in order to please him. The objective of his other wives was that the presents should also be sent to their apartments. They thought that Allâh's Messenger ﷺ should, therefore, command the people to send presents everywhere, or he should love all of them equally, so that people might send gifts to all the houses.
2. 'But he did not reply' because the Prophet's ﷺ asking the people on his own that they should bring him their gifts wherever he may be, was below his dignity. Shame and modesty were preventing him, and equivalent love was not possible. It is something beyond one's control, as has preceded.

3403. It was narrated that 'Âishah said: "The people used to try to bring their gifts (to the Prophet ﷺ) on 'Âishah's day, hoping thereby to earn the pleasure of the Messenger of Allâh ﷺ." (*Sahîh*)

٣٤٠٣ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدَةُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا هِشَامٌ عن أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ النَّاسُ يَتَحَرَّوْنَ بِهَدَايَاهُمْ يَوْمَ عَائِشَةَ يَبْتَغُونَ بِذٰلِكَ مَرْضَاةَ رَسُولِ اللهِ ﷺ.

تخريج: أخرجه البخاري، الهبة، باب قبول الهدية، ح: ٢٥٧٤، ومسلم، فضائل الصحابة، باب: في فضائل عائشة أم المؤمنين رضي الله عنها، ح: ٢٤٤١ من حديث عبدة به، وهو في الكبرٰى، ح: ٨٨٩٩.

3404. It was narrated that 'Âishah said: "Allâh sent Revelation to the Prophet ﷺ when I was with him, so I got up and closed the door

٣٤٠٤ - حَدَّثَنَا مُحَمَّدُ بْنُ آدَمَ عَنْ عَبْدَةَ، عَنْ هَاشِمٍ، عَنْ صَالِحِ بْنِ رَبِيعَةَ بْنِ هُدَيْرٍ، عَنْ عَائِشَةَ قَالَتْ: أَوْحَى اللهُ إِلَى النَّبِيِّ ﷺ

[1] Meaning this one, and the following (Nos. 3402 and 3403), in *Al-Kubra* the author stated this after the following narration.

between him and I. When it was taken off him,[1] he said to me: 'O 'Âishah, Jibrîl sends greetings of *Salâm* to you.'" (*Ḍa'îf*)

وَأَنَا مَعَهُ فَقُمْتُ فَأَجَفْتُ الْبَابَ بَيْنِي وَبَيْنَهُ، فَلَمَّا رُفِّهَ عَنْهُ قَالَ لِي: «يَا عَائِشَةُ! إِنَّ جِبْرِيلَ يُقْرِئُكِ السَّلَامَ».

تخريج: [إسناده ضعيف] أخرجه الطبراني ومن طريقه المزي في تهذيب الكمال:٩/ ٢٥ من حديث عبدة بن سليمان به، وهو في الكبرٰى، ح:٨٩٠٠ * صالح بن ربيعة لم يوثقه غير ابن حبان.

Comments:

'Âishah's rising from the place, and closing the door might have been with a view not to disturb the coming of the Revelation, or it might have been for the reason of *Ḥijâb*, or she might perhaps have been afraid, because at the time of Revelation, Allâh's Messenger ﷺ condition would change. The Angel Jibril's offering her his greeting corroborates her lofty rank.

3405. It was narrated from 'Âishah that the Prophet ﷺ said to her: "Jibrîl sends greetings of *Salâm* to you." She said: "And upon him be peace and the mercy of Allâh and His blessings; you see what we do not." (*Ṣaḥîḥ*)

٣٤٠٥ - أَخْبَرَنَا نُوحُ بْنُ حَبِيبٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ لَهَا: «إِنَّ جِبْرِيلَ يُقْرِئُكِ السَّلَامَ». قَالَتْ: وَعَلَيْهِ السَّلَامُ وَرَحْمَةُ اللهِ وَبَرَكَاتُهُ تَرَى مَا لَا نَرَى.

تخريج: [صحيح] أخرجه أحمد:٦/ ١٥٠ عن عبدالرزاق به، وهو في الكبرٰى، ح:٨٩٠١، ومصنف عبدالرزاق:١١/ ٤٢٩، ٤٣٠، ح:٢٠٩١٧، والحديث الآتي شاهد له.

Comments:

'You see what we do not': Meaning, Allâh's Messenger ﷺ could see him, but 'Âishah could not see him.

3406. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ said: 'O 'Âishah, this is Jibrîl and he is sending greetings of *Salâm* to you.'" The same. (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: This is correct, and the one that is before it is a mistake.

٣٤٠٦ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا الْحَكَمُ بْنُ نَافِعٍ قَالَ: أَخْبَرَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي أَبُو سَلَمَةَ عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللهِ ﷺ: «يَا عَائِشَةُ! هٰذَا جِبْرِيلُ وَهُوَ يَقْرَأُ عَلَيْكِ السَّلَامَ» مِثْلَهُ سَوَاءً.

[1] Meaning; the pressure of the revelation.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا الصَّوَابُ وَالَّذِي قَبْلَهُ خَطَأٌ.

تخريج: أخرجه البخاري، الأدب، باب من دعا صاحبه فنقص من اسمه حرفًا، ح: ٦٢٠١ عن أبي اليمان الحكم بن نافع، ومسلم، فضائل الصحابة، باب: في فضائل عائشة أم المؤمنين رضي الله عنها، ح: ٢٤٤٧/ ٩١ من حديث أبي اليمان به، وهو في الكبرٰى، ح: ٨٩٠٢.

Chapter 4. Jealousy

(المعجم ٤) - الْغَيْرَةُ (التحفة ٤)

3407. Anas said: "The Prophet ﷺ was with one of the Mothers of the Believers when another one sent a wooden bowl in which was some food. She struck the hand of the Prophet ﷺ and the bowl fell and broke. The Prophet ﷺ picked up the two pieces and put them together, then he started to gather up the food and said: 'Your mother got jealous; eat.' So they ate. He waited until she brought the wooden bowl that was in her house, then he gave the sound bowl to the messenger and left the broken bowl in the house of the one who had broken it." (*Ṣaḥîḥ*)

٣٤٠٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا حُمَيْدٌ قَالَ: قَالَ أَنَسٌ: كَانَ النَّبِيُّ ﷺ عِنْدَ إِحْدَى أُمَّهَاتِ الْمُؤْمِنِينَ فَأَرْسَلَتْ أُخْرَى بِقَصْعَةٍ فِيهَا طَعَامٌ، فَضَرَبَتْ يَدَ الرَّسُولِ فَسَقَطَتِ الْقَصْعَةُ فَانْكَسَرَتْ، فَأَخَذَ النَّبِيُّ ﷺ الْكِسْرَتَيْنِ فَضَمَّ إِحْدَاهُمَا إِلَى الْأُخْرَى فَجَعَلَ يَجْمَعُ فِيهَا الطَّعَامَ وَيَقُولُ: «غَارَتْ أُمُّكُمْ كُلُوا» فَأَكَلُوا، فَأَمْسَكَ حَتَّى جَاءَتْ بِقَصْعَتِهَا الَّتِي فِي بَيْتِهَا، فَدَفَعَ الْقَصْعَةَ الصَّحِيحَةَ إِلَى الرَّسُولِ وَتَرَكَ الْمَكْسُورَةَ فِي بَيْتِ الَّتِي كَسَرَتْهَا.

تخريج: [إسناده صحيح] أخرجه أبو داود، البيوع، باب: فيمن أفسد شيئًا يغرم مثله، ح: ٣٥٦٧، وابن ماجه، ح: ٢٣٣٤ عن محمد بن المثنٰى به، وهو في الكبرٰى، ح: ٨٩٠٣، وأخرجه البخاري وغيره من طرق عن حميد الطويل به، وتابعه ثابت البناني عن أنس به، (الدارقطني: ٤/ ١٥٤) * خالد هو ابن الحارث.

Comments:

From this narration we learn patience with wives. Imagine a man today if his wife smacked his hand causing him to drop something belonging to someone else. How would the average person behave in such a case? Also, it demonstrates justice, since he ﷺ took one of her bowls to replace the broken one. Lastly, no man can hope for a wife equal to 'Âishah, may Allâh be pleased with her, and she was a woman. So take note.

3408. It was narrated from Umm Salamah that she brought some food in a dish of hers to the

٣٤٠٨ - أَخْبَرَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا أَسَدُ بْنُ مُوسَى قَالَ: حَدَّثَنَا حَمَّادُ بْنُ

سَلَمَةَ عَنْ ثَابِتٍ، عَنْ أَبِي الْمُتَوَكِّلِ، عَنْ أُمِّ سَلَمَةَ: أَنَّهَا - يَعْنِي أَتَتْ بِطَعَامٍ فِي صَحْفَةٍ لَهَا إِلَى رَسُولِ اللهِ ﷺ وَأَصْحَابِهِ - فَجَاءَتْ عَائِشَةُ مُتَّزِرَةً بِكِسَاءٍ وَمَعَهَا فِهْرٌ فَفَلَقَتْ بِهِ الصَّحْفَةَ، فَجَمَعَ النَّبِيُّ ﷺ بَيْنَ فِلْقَتَي الصَّحْفَةِ وَيَقُولُ: «كُلُوا غَارَتْ أُمُّكُمْ». مَرَّتَيْنِ، ثُمَّ أَخَذَ رَسُولُ اللهِ ﷺ صَحْفَةَ عَائِشَةَ فَبَعَثَ بِهَا إِلَى أُمِّ سَلَمَةَ وَأَعْطَى صَحْفَةَ أُمِّ سَلَمَةَ عَائِشَةَ.

تخريج: [إسناده صحيح] وهو في الكبرٰى، ح:٨٩٠٤.

Messenger of Allâh ﷺ and his Companions, then 'Âishah came, wrapped up in a garment, with a stone pestle and broke the dish. The Prophet ﷺ gathered the broken pieces of the dish and said: "Eat; your mother got jealous," twice. Then the Messenger of Allâh ﷺ took the dish of 'Âishah and sent *it to* Umm Salamah and he gave the dish of Umm Salamah to 'Âishah. (***Sahîh***)

٣٤٠٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى عَنْ عَبْدِ الرَّحْمٰنِ، عَنْ سُفْيَانَ، عَنْ فُلَيْتٍ، عَنْ جَسْرَةَ بِنْتِ دِجَاجَةَ، عَنْ عَائِشَةَ قَالَتْ: مَا رَأَيْتُ صَانِعَةَ طَعَامٍ مِثْلَ صَفِيَّةَ، أَهْدَتْ إِلَى النَّبِيِّ ﷺ إِنَاءً فِيهِ طَعَامٌ، فَمَا مَلَكْتُ نَفْسِي أَنْ كَسَرْتُهُ، فَسَأَلْتُ النَّبِيَّ ﷺ عَنْ كَفَّارَتِهِ فَقَالَ: «إِنَاءٌ كَإِنَاءٍ وَطَعَامٌ كَطَعَامٍ».

تخريج: [إسناده حسن] أخرجه أبو داود، البيوع، باب: فيمن أفسد شيئًا يغرم مثله، ح:٣٥٦٨ من حديث سفيان الثوري به، وصرح بالسماع عنده، وهو في الكبرٰى، ح:٨٩٠٥ وللحديث شواهد * فليت هو العامري.

3409. It was narrated that 'Âishah said: "I never saw any woman who made food like Safiyyah. She sent a dish to the Prophet ﷺ in which was some food, and I could not keep myself from breaking it. I asked the Prophet ﷺ what the expiation was for that, and he said: 'A dish like that dish, and food like that food.'" (***Hasan***)

٣٤١٠ - أَخْبَرَنَا الْحَسَنُ بْنُ مُحَمَّدٍ الزَّعْفَرَانِيُّ قَالَ: حَدَّثَنَا حَجَّاجٌ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: أَنَّهُ سَمِعَ عُبَيْدَ بْنَ عُمَيْرٍ يَقُولُ: سَمِعْتُ عَائِشَةَ تَزْعُمُ: أَنَّ رَسُولَ اللهِ ﷺ كَانَ يَمْكُثُ عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ فَيَشْرَبُ عِنْدَهَا عَسَلًا فَتَوَاصَيْتُ أَنَا وَحَفْصَةُ أَنَّ أَيَّتَنَا دَخَلَ عَلَيْهَا النَّبِيُّ ﷺ فَلْتَقُلْ: إِنِّي أَجِدُ مِنْكَ رِيحَ مَغَافِيرَ، أَكَلْتَ مَغَافِيرَ؟ فَدَخَلَ

3410. 'Âishah said that the Messenger of Allâh ﷺ used to stay with Zainab bint Jahsh and drink honey at her house. Hafsah and I agreed that if the Prophet ﷺ entered upon either of us, she would say: "I perceive the smell of *Maghâfir* (a nasty-smelling gum) on you; have you eaten *Maghâfir*?" He came in to one of them, and she said that to him. He said: "No, rather I drank honey at the house

of Zainab bint Jahsh, but I will never do it again." Then the following was revealed: 'O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.'[1] 'If you two turn in repentance to Allâh, (it will be better for you)'[2] about 'Âishah and Hafsah, 'And (remember) when the Prophet disclosed a matter in confidence to one of his wives'[3] refers to him saying: "No, rather I drank honey." (*Sahîh*)

عَلَى إِحْدَاهُمَا فَقَالَتْ ذٰلِكَ لَهُ فَقَالَ: «لَا، بَلْ شَرِبْتُ عَسَلًا عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ وَلَنْ أَعُودَ لَهُ». فَنَزَلَتْ ﴿يَٰٓأَيُّهَا ٱلنَّبِىُّ لِمَ تُحَرِّمُ مَآ أَحَلَّ ٱللَّهُ لَكَ﴾ [التحريم: ١] ﴿إِن تَتُوبَآ إِلَى ٱللَّهِ﴾ [التحريم: ٤] لِعَائِشَةَ وَحَفْصَةَ ﴿وَإِذْ أَسَرَّ ٱلنَّبِىُّ إِلَىٰ بَعْضِ أَزْوَٰجِهِۦ حَدِيثًا﴾ [التحريم: ٣] لِقَوْلِهِ: «بَلْ شَرِبْتُ عَسَلًا».

تخريج: سيأتي، ح: ٣٤٥٠، وهو في الكبرى، ح: ٨٩٠٦.

Comments:

1. 'Used to stay with Zainab': After performing the *'Asr* prayer, Allâh's Messenger ﷺ used to visit all his wives in their apartments for a little while, so that he could know if they had any problem or need, and daily contact with each one could be maintained. Allâh's Messenger ﷺ stayed with Zainab ﵄ more than his usual stay to drink some honey she had. This disturbed 'Âishah and Hafsa.
2. *Maghâfir* is a glutinous substance, which secretes from the trees like the *Urfût* - a tree of a shrub variety. It tastes sweet but its smell is revolting. It lingers in the eater's mouth and the Prophet ﷺ detested bad smells. Hence, the Prophet ﷺ decided not to drink honey.
3. 'If you turn in repentance': To err is human. The wives of the Prophet ﷺ were not infallible. They repented no sooner than they committed the mistake. "He who repents of a sin is like him who has committed no sin." Repentance obliterates sin. Therefore, no blame could be leveled against them. Their turning in repentance is their superior merit.
4. 'Disclosed a matter': The Prophet ﷺ had stated: I will not drink honey at her place, but do not divulge it to anyone. But Hafsah committed the mistake and told 'Âishah about it.

3411. It was narrated from Anas, that the Messenger of Allâh ﷺ had a female slave with whom he had intercourse, but 'Âishah and Hafsah would not leave him alone until he said that she was forbidden

٣٤١١ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يُونُسَ بْنِ مُحَمَّدٍ حَرَمِيٌّ - هُوَ لَقَبُهُ - قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ ثَابِتٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ اللهِ ﷺ كَانَتْ لَهُ أَمَةٌ

[1] *At-Tahrîm* 66:1.
[2] *At-Tahrîm* 66:4.
[3] *At-Tahrîm* 66:3.

يَطَؤُهَا، فَلَمْ تَزَلْ بِهِ عَائِشَةُ وَحَفْصَةُ حَتَّى حَرَّمَهَا عَلَى نَفْسِهِ فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ لِمَ تُحَرِّمُ مَآ أَحَلَّ ٱللَّهُ لَكَ﴾ إِلَى آخِرِ الْآيَةِ.

for him. Then Allâh, the Mighty and Sublime, revealed: "O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.[1] until the end of the Verse. (*Ṣaḥîḥ*)

تخريج: [إسناده صحيح] وهو في الكبرى، ح:٨٩٠٧، وصححه الحافظ في فتح الباري:٩/٣٧٦، وأخرجه الحاكم:٢/٤٩٣ من طريق سليمان بن المغيرة عن ثابت به، وصححه على شرط مسلم، ووافقه الذهبي.

Comments:

In the previous narration, the occasion of the Revelation of this Qur'ânic Verse was said to be the incident of honey; whereas in this narration is a slave woman. It is possible both these incidents might have taken place close to each other in time. Hence, both could have been the occasion of the Revelation of this Verse.

٣٤١٢ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَحْيَى، - هُوَ ابْنُ سَعِيدٍ الْأَنْصَارِيُّ - عَنْ عُبَادَةَ بْنِ الْوَلِيدِ بْنِ عُبَادَةَ بْنِ الصَّامِتِ: أَنَّ عَائِشَةَ قَالَتْ: الْتَمَسْتُ رَسُولَ اللهِ ﷺ فَأَدْخَلْتُ يَدِي فِي شَعْرِهِ فَقَالَ: «قَدْ جَاءَكِ شَيْطَانُكِ». فَقُلْتُ: أَمَا لَكَ شَيْطَانٌ؟ فَقَالَ: «بَلَى! وَلَكِنَّ اللهَ أَعَانَنِي عَلَيْهِ فَأَسْلَمُ».

3412. It was narrated from 'Ubâdah bin Al-Walîd bin 'Ubâdah bin Aṣ-Ṣâmit that 'Âishah said: "I looked for the Messenger of Allâh ﷺ and I put my hand on his hair." He said: "Your *Shaiṭân* has come to you." I said: "Don't you have a *Shaiṭân*?" He said: "Yes, but Allâh helped me with him, so he submitted." (*Ṣaḥîḥ*)

تخريج: [صحيح] وهو في الكبرى، ح:٨٩٠٨، وللحديث طرق أخرى * الليث هو ابن سعد.

Comments:

It used to be dark in the houses at night. When 'Âishah did not feel the Prophet ﷺ around, she began to grope hither and thither. She began to have misgivings that the Prophet ﷺ might have gone to the apartment of some other wife. That is why the Prophet ﷺ made mention of the Satan, because the prompting was the handiwork of the devil.

٣٤١٣ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ الْحَسَنِ الْمِقْسَمِيُّ عَنْ حَجَّاجٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: أَخْبَرَنِي ابْنُ أَبِي مُلَيْكَةَ عَنْ عَائِشَةَ

3413. It was narrated that 'Âishah said: "I noticed that the Messenger of Allâh ﷺ was not there one night, and I thought that he had gone to one of his other wives, so I

[1] *At-Taḥrîm* 66:1.

قَالَتْ: فَقَدْتُ رَسُولَ اللهِ ﷺ ذَاتَ لَيْلَةٍ فَظَنَنْتُ أَنَّهُ ذَهَبَ إِلَى بَعْضِ نِسَائِهِ فَتَجَسَّسْتُهُ، فَإِذَا هُوَ رَاكِعٌ أَوْ سَاجِدٌ يَقُولُ: «سُبْحَانَكَ وَبِحَمْدِكَ لَا إِلَهَ إِلَّا أَنْتَ» فَقُلْتُ: بِأَبِي وَأُمِّي! إِنَّكَ لَفِي شَأْنٍ وَإِنِّي لَفِي شَأْنٍ آخَرَ.

reached out for him, and found him bowing or prostrating, and saying: '*Subḥânaka wa bi ḥamdika lâ ilâha illa anta* (Glory and praise be to You, there is none worthy of worship but You).' I said: 'May my father and mother be sacrificed for you; you were doing one thing, and I was thinking of something else.'" (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح:١١٣٢، وهو في الكبرى، ح:٨٩٠٩.

٣٤١٤ - **أَخْبَرَنَا** إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي ابْنُ أَبِي مُلَيْكَةَ أَنَّ عَائِشَةَ قَالَتِ: افْتَقَدْتُ رَسُولَ اللهِ ﷺ ذَاتَ لَيْلَةٍ فَظَنَنْتُ أَنَّهُ ذَهَبَ إِلَى بَعْضِ نِسَائِهِ فَتَجَسَّسْتُ ثُمَّ رَجَعْتُ، فَإِذَا هُوَ رَاكِعٌ أَوْ سَاجِدٌ يَقُولُ: «سُبْحَانَكَ وَبِحَمْدِكَ لَا إِلَهَ إِلَّا أَنْتَ» فَقُلْتُ: بِأَبِي وَأُمِّي! إِنَّكَ لَفِي شَأْنٍ وَإِنِّي لَفِي شَأْنٍ آخَرَ.

3414. 'Âishah said: "I noticed that the Messenger of Allâh ﷺ was not there one night, and I thought that he had gone to one of his other wives. I looked for him then I came back, and there he was, bowing or prostrating and saying: '*Subḥânaka wa bi ḥamdika lâ ilâha illa anta* (Glory and praise be to You, there is none worthy of worship but You).' I said: 'May my father and mother be sacrificed for you; you were doing one thing and I was thinking of something else.'" (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح:١١٣٢، وهو في الكبرى، ح:٨٩١٠.

٣٤١٥ - **أَخْبَرَنَا** سُلَيْمَانُ بْنُ دَاوُدَ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي ابْنُ جُرَيْجٍ عَنْ عَبْدِ اللهِ بْنِ كَثِيرٍ: أَنَّهُ سَمِعَ مُحَمَّدَ بْنَ قَيْسٍ يَقُولُ: سَمِعْتُ عَائِشَةَ تَقُولُ: أَلَا أُحَدِّثُكُمْ عَنِ النَّبِيِّ ﷺ وَعَنِّي؟ قُلْنَا: بَلَى! قَالَتْ: لَمَّا كَانَتْ لَيْلَتِي انْقَلَبَ فَوَضَعَ نَعْلَيْهِ عِنْدَ رِجْلَيْهِ وَوَضَعَ رِدَاءَهُ وَبَسَطَ إِزَارَهُ عَلَى فِرَاشِهِ وَلَمْ يَلْبَثْ إِلَّا رَيْثَمَا ظَنَّ أَنِّي قَدْ رَقَدْتُ، ثُمَّ انْتَعَلَ رُوَيْدًا وَأَخَذَ رِدَاءَهُ رُوَيْدًا

3415. 'Âishah said: "Shall I not tell you about the Prophet ﷺ and I?" We said: "Yes." She said: "When it was my night, he came in, placed his shoes by his feet, lay down his *Ridâ'* (upper garment), and spread his *Izâr* (lower garment) on his bed. As soon as he thought that I had gone to sleep, he put his shoes on slowly and picked up his *Ridâ'* slowly. Then he opened the door slowly, went out and shut it slowly. I put my garment over my head,

covered myself and put on my *Izâr* (lower garment), and I set out after him until he came to Al-Baqî', raised his hands three times and stood there for a long time. Then he left and I left, he hurried and I hurried, he ran and I ran, and I got there before him and entered (the house). I had only just laid down when he came in and said: 'O 'Âishah, why are you out of breath?' (one of the reporters) Sulaiman said: I thought he (Ibn Wahb) said: 'short of breath.' He said: 'Either you tell me or the All-Aware, All-Knowing will tell me.' I said: 'O Messenger of Allâh, may my father and mother be sacrificed for you;' and I told him the story. He said: 'You were the black shape I saw in front of me?' I said: 'Yes."' She said: "He gave me a shove in the chest that hurt me and said: 'You thought that Allâh and His Messenger would be unfair to you."' She said: "Whatever people conceal, Allâh, the Mighty and Sublime, knows it.' He said: 'Yes.' He said: 'Jibrîl came to me when you saw (me leave) but he did not enter upon you because you have taken off your garments. So he called me but he concealed himself from you, and I answered him but I concealed it from you. I thought that you had gone to sleep and I did not want to wake you and I was afraid that you would feel lonely. He told me to go to Al-Baqî' and pray for forgiveness for them."'

Ḥajjâj bin Muḥammad contradicted him (Ibn Wahb), he

ثُمَّ فَتَحَ الْبَابَ رُوَيْدًا وَخَرَجَ وَأَجَافَهُ رُوَيْدًا، وَجَعَلْتُ دِرْعِي فِي رَأْسِي فَاخْتَمَرْتُ وَتَقَنَّعْتُ إِزَارِي وَانْطَلَقْتُ فِي إِثْرِهِ، حَتَّى جَاءَ الْبَقِيعَ فَرَفَعَ يَدَيْهِ ثَلَاثَ مَرَّاتٍ وَأَطَالَ الْقِيَامَ ثُمَّ انْحَرَفَ وَانْحَرَفْتُ، فَأَسْرَعَ فَأَسْرَعْتُ، فَهَرْوَلَ فَهَرْوَلْتُ، فَأَحْضَرَ فَأَحْضَرْتُ، وَسَبَقْتُهُ فَدَخَلْتُ، وَلَيْسَ إِلَّا أَنِ اضْطَجَعْتُ فَدَخَلَ فَقَالَ: «مَا لَكِ يَا عَائِشُ! رَابِيَةً؟» قَالَ سُلَيْمَانُ: حَسِبْتُهُ قَالَ: حَشْيًا قَالَ: لَتُخْبِرِنِّي أَوْ لَيُخْبِرَنِّي اللَّطِيفُ الْخَبِيرُ، قُلْتُ: يَا رَسُولَ اللهِ! بِأَبِي أَنْتَ وَأُمِّي، فَأَخْبَرْتُهُ الْخَبَرَ قَالَ: «أَنْتِ السَّوَادُ الَّذِي رَأَيْتُ أَمَامِي؟» قُلْتُ: نَعَمْ، قَالَتْ: فَلَهَدَنِي لَهْدَةً فِي صَدْرِي أَوْجَعَتْنِي قَالَ: «أَظَنَنْتِ أَنْ يَحِيفَ اللهُ عَلَيْكِ وَرَسُولُهُ» قَالَتْ: مَهْمَا يَكْتُمُ النَّاسُ فَقَدْ عَلِمَهُ اللهُ عَزَّ وَجَلَّ، قَالَ: «نَعَمْ» قَالَ: «فَإِنَّ جِبْرِيلَ عَلَيْهِ السَّلَامُ أَتَانِي حِينَ رَأَيْتِ وَلَمْ يَكُنْ يَدْخُلُ عَلَيْكِ وَقَدْ وَضَعْتِ ثِيَابَكِ فَنَادَانِي وَأَخْفَى مِنْكِ، فَأَجَبْتُهُ وَأَخْفَيْتُهُ مِنْكِ وَظَنَنْتُ أَنَّكِ قَدْ رَقَدْتِ فَكَرِهْتُ أَنْ أُوقِظَكِ وَخَشِيتُ أَنْ تَسْتَوْحِشِي، فَأَمَرَنِي أَنْ آتِيَ أَهْلَ الْبَقِيعِ فَأَسْتَغْفِرَ لَهُمْ» خَالَفَهُ حَجَّاجُ بْنُ مُحَمَّدٍ فَقَالَ: عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ مُحَمَّدِ بْنِ قَيْسٍ.

said: "From Ibn Juraij, from Ibn Abî Mulaikah, from Muḥammad bin Qais:" (*Ṣaḥîḥ*)

Comments:

(See No. 2039)

تخريج: [إسناده صحيح] تقدم، ح: ٢٠٣٩، وهو في الكبرٰى، ح: ٨٩١١.

3416. 'Âishah said: "Shall I not tell you about the Prophet ﷺ and I?" We said: "Yes." She said: "When it was my night when he" – meaning the Prophet ﷺ – "was with me, he came in, placed his shoes by his feet, lay down his *Ridâ'* (upper garment), and spread the edge of his *Izâr* (lower garment) on his bed. As soon as he thought that I had gone to sleep, he put his shoes on slowly, and picked up his *Ridâ'* slowly. Then he opened the door slowly, went out and shut it slowly. I put my garment over my head, covered myself and put on my *Izâr* (lower garment), and I set out after him until he came to Al-Baqî', raised his hands three times and stood there for a long time. Then he left and I left, he hurried and I hurried, he ran and I ran, and I got there before him and entered (the house). I had only just laid down when he came in and said: 'O 'Âishah, why are you out of breath?' She said: 'No.' He said: 'Either you tell me or Allâh, the All-Aware, All-Knowing, will tell me.' I said: 'O Messenger of Allâh, may my father and mother be sacrificed for you;' and I told him the story. He said: 'You were the black shape I saw in front of me?' I said: 'Yes.'" She said: "He gave me

٣٤١٦ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدِ بْنِ مُسْلِمٍ الْمِصِّيصِيُّ قَالَ: حَدَّثَنَا حَجَّاجٌ عَنِ ابْنِ جُرَيْجٍ: أَنَّ عَبْدَ اللهِ بْنَ أَبِي مُلَيْكَةَ أَخْبَرَنِي أَنَّهُ سَمِعَ مُحَمَّدَ بْنَ قَيْسِ بْنِ مَخْرَمَةَ يَقُولُ: سَمِعْتُ عَائِشَةَ تُحَدِّثُ قَالَتْ: أَلَا أُحَدِّثُكُمْ عَنِّي وَعَنِ النَّبِيِّ ﷺ؟ قُلْنَا: بَلَى! قَالَتْ: لَمَّا كَانَتْ لَيْلَتِي الَّتِي هُوَ عِنْدِي - تَعْنِي النَّبِيَّ ﷺ - انْقَلَبَ فَوَضَعَ نَعْلَيْهِ عِنْدَ رِجْلَيْهِ وَوَضَعَ رِدَاءَهُ وَبَسَطَ طَرَفَ إِزَارِهِ عَلَى فِرَاشِهِ، فَلَمْ يَلْبَثْ إِلَّا رَيْثَمَا ظَنَّ أَنِّي قَدْ رَقَدْتُ ثُمَّ انْتَعَلَ رُوَيْدًا وَأَخَذَ رِدَاءَهُ رُوَيْدًا ثُمَّ فَتَحَ الْبَابَ رُوَيْدًا وَخَرَجَ وَأَجَافَهُ رُوَيْدًا، وَجَعَلْتُ دِرْعِي فِي رَأْسِي وَاخْتَمَرْتُ وَتَقَنَّعْتُ إِزَارِي فَانْطَلَقْتُ فِي إِثْرِهِ، حَتَّى جَاءَ الْبَقِيعَ فَرَفَعَ يَدَيْهِ ثَلَاثَ مَرَّاتٍ وَأَطَالَ الْقِيَامَ، ثُمَّ انْحَرَفَ فَانْحَرَفْتُ، فَأَسْرَعَ فَأَسْرَعْتُ، فَهَرْوَلَ فَهَرْوَلْتُ، فَأَحْضَرَ فَأَحْضَرْتُ، وَسَبَقْتُهُ فَدَخَلْتُ، فَلَيْسَ إِلَّا أَنَّهُ اضْطَجَعْتُ فَدَخَلَ فَقَالَ: «مَا لَكِ يَا عَائِشَةُ! حَشْيًا رَابِيَةً؟» قَالَتْ: لَا، قَالَ: «لَتُخْبِرِنِّي أَوْ لَيُخْبِرَنِّي اللهُ اللَّطِيفُ الْخَبِيرُ» قُلْتُ: يَا رَسُولَ اللهِ! بِأَبِي أَنْتَ وَأُمِّي! فَأَخْبَرْتُهُ الْخَبَرَ، قَالَ: «فَأَنْتِ السَّوَادُ الَّذِي رَأَيْتُهُ أَمَامِي؟» قَالَتْ:

a shove in the chest that hurt me and said: 'You thought that Allâh and His Messenger would be unfair to you.'" She said: "Whatever people conceal, Allâh knows it.' He said: 'Yes.' He said: 'Jibrîl came to me when you saw (me leave) but he did not enter upon you because you have taken off your garments. So he called me but he concealed himself from you, and I answered him, but I concealed it from you. I thought that you had gone to sleep and I did not want to wake you, *and I was afraid that you would* feel lonely. He told me to go to Al-Baqî' and pray for forgiveness for them."' (***Sahîh***) 'Âṣim reported it from 'Abdullâh bin 'Âmir, from 'Âishah, with a wording different from this.

نَعَمْ، قَالَتْ: فَلَهَزَنِي فِي صَدْرِي لَهْزَةً أَوْجَعَتْنِي ثُمَّ قَالَ: «أَظَنَنْتِ أَنْ يَحِيفَ اللهُ عَلَيْكِ وَرَسُولُهُ؟» قَالَتْ: مَهْمَا يَكْتُمُ النَّاسُ فَقَدْ عَلِمَهُ اللهُ، قَالَ: «نَعَمْ» قَالَ: «فَإِنَّ جِبْرِيلَ عَلَيْهِ السَّلَامُ أَتَانِي حِينَ رَأَيْتِ وَلَمْ يَكُنْ يَدْخُلُ عَلَيْكِ وَقَدْ وَضَعْتِ ثِيَابَكِ، فَنَادَانِي فَأَخْفَى مِنْكِ، فَأَجَبْتُهُ فَأَخْفَيْتُ مِنْكِ، فَظَنَنْتُ أَنْ قَدْ رَقَدْتِ وَخَشِيتُ أَنْ تَسْتَوْحِشِي، فَأَمَرَنِي أَنْ آتِيَ أَهْلَ الْبَقِيعِ فَأَسْتَغْفِرَ لَهُمْ» رَوَاهُ عَاصِمٌ عَنْ عَبْدِ اللهِ بْنِ عَامِرٍ، عَنْ عَائِشَةَ عَلَى غَيْرِ هٰذَا اللَّفْظِ.

تخريج: [إسناده صحيح] تقدم، ح:٢٠٣٩، وهو في الكبرٰى، ح:٨٩١٢.

3417. It was narrated that 'Âishah said: "I noticed that he was not there one night" and he quoted the rest of the *Hadîth*. (***Sahîh***)

٣٤١٧ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا شَرِيكٌ عَنْ عَاصِمٍ، عَنْ عَبْدِ اللهِ بْنِ عَامِرِ بْنِ رَبِيعَةَ، عَنْ عَائِشَةَ قَالَتْ: فَقَدْتُهُ مِنَ اللَّيْلِ، وَسَاقَ الْحَدِيثَ.

تخريج: [صحيح] أخرجه ابن ماجه، الجنائز، باب ماجاء فيما يقال إذا دخل المقابر، ح:١٥٤٦ من حديث شريك بن عبدالله القاضي به، والحديث السابق شاهد له، عاصم هو ابن عبيدالله.

27. The Book Of Divorce

(المعجم ٢٧) - كِتَابُ الطَّلَاقِ (التحفة ١٠)

Chapter 1. Divorce At The Time When Allâh Has Stated That Women May Be Divorced

(المعجم ١) - بَابُ وَقْتِ الطَّلَاقِ لِلْعِدَّةِ الَّتِي أَمَرَ اللهُ عَزَّ وَجَلَّ أَنْ تُطَلَّقَ لَهَا النِّسَاءُ (التحفة ١)

3418. Nâfi' narrated from 'Abdullâh, that he divorced his wife while she was menstruating. 'Umar asked the Messenger of Allâh ﷺ about that and said: "Abdullâh has divorced his wife while she was menstruating." He said: "Tell 'Abdullâh to take her back, then leave her until she becomes pure from this menstrual period, then menstruates again, then when she becomes pure again, if he wishes he may separate from her before having intercourse with her, or if he wishes he may keep her. This is the time when Allâh, the Mighty and Sublime, has stated that women may be divorced." (*Ṣaḥîḥ*)

٣٤١٨ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ السَّرْخَسِيُّ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ عَنْ عُبَيْدِ اللهِ بْنِ [عُمَرَ] قَالَ: أَخْبَرَنِي نَافِعٌ عَنْ عَبْدِ اللهِ: أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَاسْتَفْتَى عُمَرُ رَسُولَ اللهِ ﷺ فَقَالَ: إِنَّ عَبْدَ اللهِ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَقَالَ: «مُرْ عَبْدَ اللهِ فَلْيُرَاجِعْهَا ثُمَّ يَدَعْهَا حَتَّى تَطْهُرَ مِنْ حَيْضَتِهَا هٰذِهِ، ثُمَّ تَحِيضَ حَيْضَةً أُخْرَى، فَإِذَا طَهُرَتْ فَإِنْ شَاءَ فَلْيُفَارِقْهَا قَبْلَ أَنْ يُجَامِعَهَا، وَإِنْ شَاءَ فَلْيُمْسِكْهَا، فَإِنَّهَا الْعِدَّةُ الَّتِي أَمَرَ اللهُ عَزَّ وَجَلَّ أَنْ تُطَلَّقَ لَهَا النِّسَاءُ».

تخريج: أخرجه مسلم، (انظر الحديث الآتي بعده) ٢/١٤٧١ من حديث عبيدالله بن عمر به، وهو في الكبرٰى، ح:٥٥٨٢ .

Comments:

1. Sexual intercourse during menstruation is forbidden. Man normally feels no desire for his wife in this condition. It is quite possible one might rush to pronounce divorce. Hence, the Divine law has forbidden divorcing in this condition. If someone commits this mistake, he shall have to resort to "returning" or taking the woman back. A divorce would, however, be counted, whether or not he takes her back. But if he does not pronounce the third divorce, the marriage would not be terminated. If it is the third divorce, returning would not be permitted. The marriage is over!
2. During menstruation, the returning would take place verbally. At the end of menstruation the returning would be practical, that is to say one ought to have sexual intercourse. Thereupon, if one desires, one may resort to divorce

during the next purity.

3. We learn that the appropriate time of divorcing is in the state of purity, during which the husband has not had sexual intercourse with her. This is why the Prophet ﷺ commanded the divorce be given after the intervention of one more menstrual cycle, in the state of purity, because in the first period of purity, returning was done in the form of sexual intercourse.

3419. It was narrated from Ibn 'Umar that he divorced his wife while she was menstruating, during the time of the Messenger of Allâh ﷺ. 'Umar bin Al-Khattâb, may Allâh be pleased with him, asked the Messenger of Allâh ﷺ about that, and the Messenger of Allâh ﷺ said: "Tell him to take her back and keep her until she becomes pure, then menstruates again and becomes pure again. Then if he wishes he may keep her, or if he wishes, he may divorce her before he touches (has intercourse with) her. This is the time when Allâh, the Mighty and Sublime, has stated that women may be divorced." (*Sahîh*)

٣٤١٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فِي عَهْدِ رَسُولِ اللهِ ﷺ فَسَأَلَ عُمَرُ بْنُ الْخَطَّابِ رَضِيَ اللهُ عَنْهُ رَسُولَ اللهِ ﷺ عَنْ ذٰلِكَ، فَقَالَ رَسُولُ اللهِ ﷺ: «مُرْهُ فَلْيُرَاجِعْهَا ثُمَّ لِيُمْسِكْهَا حَتَّى تَطْهُرَ، ثُمَّ تَحِيضَ ثُمَّ تَطْهُرَ، ثُمَّ إِنْ شَاءَ أَمْسَكَ بَعْدُ، وَإِنْ شَاءَ طَلَّقَ قَبْلَ أَنْ يَمَسَّ، فَتِلْكَ الْعِدَّةُ الَّتِي أَمَرَ اللهُ عَزَّ وَجَلَّ أَنْ تُطَلَّقَ لَهَا النِّسَاءُ».

تخريج: أخرجه البخاري، الطلاق، باب وقول الله تعالى: ﴿يأيها النبي إذا طلقتم النساء ...﴾ إلخ"، ح: ٥٢٥١، ومسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح: ١٤٧١ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٥٧٦، والكبرى، ح: ٥٥٨٣.

3420. Sâlim bin 'Abdullâh bin 'Umar narrated that 'Abdullâh bin 'Umar said: "I divorced my wife during the lifetime of the Messenger of Allâh ﷺ while she was menstruating. 'Umar mentioned that to the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ *got angry about that and* said: 'Let him take her back, then keep her until she has menstruated again and become pure again.

٣٤٢٠ - أَخْبَرَنِي كَثِيرُ بْنُ عُبَيْدٍ عَنْ مُحَمَّدِ ابْنِ حَرْبٍ قَالَ: حَدَّثَنَا الزُّبَيْدِيُّ قَالَ: سُئِلَ الزُّهْرِيُّ: كَيْفَ الطَّلَاقُ لِلْعِدَّةِ؟ فَقَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللهِ بْنِ عُمَرَ أَنَّ عَبْدَ اللهِ ابْنَ عُمَرَ قَالَ: طَلَّقْتُ امْرَأَتِي فِي حَيَاةِ رَسُولِ اللهِ ﷺ وَهِيَ حَائِضٌ فَذَكَرَ ذٰلِكَ عُمَرُ لِرَسُولِ اللهِ ﷺ فَتَغَيَّظَ رَسُولُ اللهِ ﷺ فِي ذٰلِكَ فَقَالَ: «لِيُرَاجِعْهَا ثُمَّ يُمْسِكْهَا حَتَّى تَحِيضَ حَيْضَةً

Then if he wants to divorce her when she is pure and before he touches her (has intercourse with her), then that is divorce at the prescribed time as Allâh, the Mighty and Sublime, has revealed."' 'Abdullâh bin 'Umar said: "So I took her back, but I still counted the divorce that I had issued to her." (*Saḥîḥ*)

وَتَطْهُرَ، فَإِنْ بَدَا لَهُ أَنْ يُطَلِّقَهَا طَاهِرًا قَبْلَ أَنْ يَمَسَّهَا فَذَاكَ الطَّلَاقُ لِلْعِدَّةِ كَمَا أَنْزَلَ اللهُ عَزَّ وَجَلَّ». قَالَ عَبْدُ اللهِ بْنُ عُمَرَ: فَرَاجَعْتُهَا وَحَسِبْتُ لَهَا التَّطْلِيقَةَ الَّتِي طَلَّقْتُهَا.

تخريج: أخرجه مسلم، ح:١٤٧١/٤ب من حديث محمد بن الوليد الزبيدي به، وانظر الحديث السابق، وهو في الكبرٰى، ح:٥٥٨٤.

Comments:

The majority of the people of knowledge maintain that although divorcing in the state of menstruation is sinful and forbidden and returning or taking back of the wife is essential, but such kind of divorce would be reckoned as one divorce. Now two more divorces remain. Some researchers, however, have ruled such kind of divorce null and void, because returning in it is essential. Even so, Allâh's Messenger ﷺ could not have counseled Ibn 'Umar ؓ to give two divorces instead of one. Although this argumentation appears rationally strong, the wording of the relevant narrations, the statements of the Companions, and in addition the schools of thoughts of various scholars are contrary to it.

3421. 'Abdullâh bin Ayman asked Ibn 'Umar while Abû Az-Zubair was listening: "What did you think about a man who divorces his wife when she is menstruating?" He said to him: "Abdullâh bin 'Umar divorced his wife when she was menstruating during the time of the Messenger of Allâh ﷺ. 'Umar asked the Messenger of Allâh ﷺ (about that) and said: "Abdullâh bin 'Umar has divorced his wife while she was menstruating.' The Messenger of Allâh ﷺ said: 'Let him take her back.' So he made me take her back. He said: 'When she becomes pure, let him divorce her or keep her.' Ibn 'Umar said: 'The Prophet ﷺ said: 'O Prophet! When

٣٤٢١ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ وَعَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ تَمِيمٍ عَنْ حَجَّاجٍ قَالَ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ عَبْدَ الرَّحْمٰنِ بْنَ أَيْمَنَ يَسْأَلُ ابْنَ عُمَرَ وَأَبُو الزُّبَيْرِ يَسْمَعُ: كَيْفَ تَرَى فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ حَائِضًا؟ فَقَالَ لَهُ: طَلَّقَ عَبْدُ اللهِ بْنُ عُمَرَ امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَى عَهْدِ رَسُولِ اللهِ ﷺ فَسَأَلَ عُمَرُ رَسُولَ اللهِ ﷺ فَقَالَ: إِنَّ عَبْدَ اللهِ بْنَ عُمَرَ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَقَالَ رَسُولُ اللهِ ﷺ: «لِيُرَاجِعْهَا» فَرَدَّهَا عَلَيَّ، قَالَ: «إِذَا طَهُرَتْ فَلْيُطَلِّقْ أَوْ لِيُمْسِكْ» قَالَ ابْنُ عُمَرَ: فَقَالَ النَّبِيُّ ﷺ: «يَا

you divorce women, divorce them before their *'Iddah* (prescribed period) elapses."[1] (*Sahîh*)

أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ فِي قُبُلِ عِدَّتِهِنَّ» [الطلاق: ١].

تخريج: أخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح: ١٤٧١/ ١٤ من حديث حجاج بن محمد به، وهو في الكبرٰى، ح: ٥٥٨٥.

Comments:

Because the waiting period is counted from menstruation. Hence, the waiting period would not commence if the divorce is given in the state of menstruation. If the menstrual cycle is counted, the waiting period would fall short, and if it is not counted, the waiting period would become long. Hence, the divorce should take place in the state of purity so that the waiting period could commence with menses.

3422. It was narrated from Ibn 'Abbâs, concerning the saying of Allâh, the Mighty and Sublime: "O Prophet! When you divorce women, divorce them at their *'Iddah* (prescribed periods)."[2] Ibn 'Abbâs, may Allâh be pleased with him, said: "Before their *'Iddah* elapses."[3] (*Sahîh*)

٣٤٢٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنِ الْحَكَمِ قَالَ: سَمِعْتُ مُجَاهِدًا يُحَدِّثُ عَنِ ابْنِ عَبَّاسٍ: فِي قَوْلِهِ عَزَّ وَجَلَّ ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ إِذَا طَلَّقْتُمُ ٱلنِّسَآءَ فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ﴾ [الطلاق: ١] قَالَ ابْنُ عَبَّاسٍ رَضِيَ اللهُ عَنْهُ: قُبُلِ عِدَّتِهِنَّ.

تخريج: [إسناده صحيح] أخرجه الطبري في تفسيره: ٢٨/ ٨٤ من حديث محمد بن جعفر به، وهو في الكبرٰى، ح: ٥٥٨٦.

Comments:

The purpose of Ibn 'Abbâs saying this is that divorce should take place well before the waiting period; that means during the state of purity, because the waiting period commences with menstruation. If divorce takes place during menses, it would be during the waiting period, which is not right.

Chapter 2. The *Sunnah* Divorce

(المعجم ٢) - بَابُ طَلَاقِ السُّنَّةِ (التحفة ٢)

3423. It was narrated from 'Abdullâh that he said: "The *Sunnah* divorce is a divorce issued when she is pure (not menstruating) without having had intercourse with her. If

٣٤٢٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ أَيُّوبَ قَالَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ قَالَ: حَدَّثَنَا الْأَعْمَشُ عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي الْأَحْوَصِ، عَنْ عَبْدِ اللهِ أَنَّهُ قَالَ: طَلَاقُ

[1] It is a reference to *At-Talâq* 65:1, while the wording is different.

[2] *At-Talâq* 65:1.

[3] That is, when they become pure following menstruation, before intercourse.

she menstruates and becomes pure again, give her another divorce, and if she menstruates and becomes pure *again, give her another divorce,* then after that, she should wait for another menstrual cycle." (***Hasan***) (One of the narrators) Al-A'mash said: "I asked Ibrâhîm, and he said something similar."

السُّنَّةِ تَطْلِيقَةٌ وَهِيَ طَاهِرٌ فِي غَيْرِ جِمَاعٍ، فَإِذَا حَاضَتْ وَطَهُرَتْ طَلَّقَهَا أُخْرَى، فَإِذَا حَاضَتْ وَطَهُرَتْ طَلَّقَهَا أُخْرَى، ثُمَّ تَعْتَدُّ بَعْدَ ذٰلِكَ بِحَيْضَةٍ. قَالَ الْأَعْمَشُ: سَأَلْتُ إِبْرَاهِيمَ فَقَالَ مِثْلَ ذٰلِكَ.

تخريج: [حسن] أخرجه ابن ماجه، الطلاق، باب طلاق السنة، ح:٢٠٢١ من حديث حفص به، وهو في الكبرى، ح:٥٥٨٧، وصححه ابن حزم في المحلى:١٠/ ١٧٢ مسئله:١٩٤٩، وللحديث شواهد عند ابن أبي شيبة وغيره * أبو إسحاق عنعن.

Comments:

This narration demonstrates the clear guidelines for an irrevocable divorce.

3424. It was narrated that 'Abdullâh said: "The *Sunnah* divorce is to divorce her when she is pure (not menstruating) without having had intercourse with her." (***Hasan***)

٣٤٢٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَى عَنْ سُفْيَانَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي الْأَحْوَصِ، عَنْ عَبْدِ اللّٰهِ قَالَ: طَلَاقُ السُّنَّةِ أَنْ يُطَلِّقَهَا طَاهِرًا فِي غَيْرِ جِمَاعٍ.

تخريج: [حسن]انظر الحديث السابق، وهو في الكبرى، ح:٥٥٨٨، وأخرجه ابن ماجه، ح:٢٠٢٠ من حديث يحيى القطان وغيره.

Chapter 3. What Should Be Done If The Husband Issues A Divorce When The Wife Is Menstruating

(المعجم ٣) - **بَابُ مَا يَفْعَلُ إِذَا طَلَّقَ تَطْلِيقَةً وَهِيَ حَائِضٌ** (التحفة ٣)

3425. It was narrated from 'Abdullâh that he issued a divorce to his wife when she was menstruating. So 'Umar went to inform the Prophet ﷺ about that. The Prophet ﷺ said to him: "Tell 'Abdullâh to take her back, then, when she has performed *Ghusl*, let him leave her alone, until she menstruates (again). Then, when she performs *Ghusl* following that

٣٤٢٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا الْمُعْتَمِرُ قَالَ: سَمِعْتُ عُبَيْدَ اللهِ ابْنَ عُمَرَ عَنْ نَافِعٍ، عَنْ عَبْدِ اللّٰهِ: أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ تَطْلِيقَةً فَانْطَلَقَ عُمَرُ فَأَخْبَرَ النَّبِيَّ ﷺ بِذٰلِكَ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «مُرْ عَبْدَ اللهِ فَلْيُرَاجِعْهَا فَإِذَا اغْتَسَلَتْ فَلْيَتْرُكْهَا حَتَّى تَحِيضَ، فَإِذَا اغْتَسَلَتْ مِنْ حَيْضَتِهَا

second period, he should not touch her until he divorces her. And if he wants to keep her, then let him keep her. That is the time when Allâh has stated that women may be divorced." (*Ṣaḥîḥ*)

الْأُخْرَى فَلَا يَمَسَّهَا حَتَّى يُطَلِّقَهَا، فَإِنْ شَاءَ أَنْ يُمْسِكَهَا فَلْيُمْسِكْهَا، فَإِنَّهَا الْعِدَّةُ الَّتِي أَمَرَ اللهُ عَزَّ وَجَلَّ أَنْ تُطَلَّقَ لَهَا النِّسَاءُ».

تخريج: [إسناده صحيح] تقدم طرفه، ح:٣٤١٨ * المعتمر هو ابن سليمان.

3426. It was narrated from Ibn 'Umar that he divorced his wife while she was menstruating. He mentioned that to the Prophet ﷺ and he said: "Tell him to take her back, then divorce her while she is pure (not menstruating) or pregnant." (*Ṣaḥîḥ*)

٣٤٢٦ - أَخْبَرَنَا مَحْمُودُ بْنُ غَيْلَانَ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مُحَمَّدِ ابْنِ عَبْدِ الرَّحْمٰنِ مَوْلَى طَلْحَةَ، عَنْ سَالِمِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عُمَرَ: أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَذَكَرَ ذٰلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «مُرْهُ فَلْيُرَاجِعْهَا ثُمَّ لْيُطَلِّقْهَا وَهِيَ طَاهِرٌ أَوْ حَامِلٌ».

تخريج: أخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح:١٤٧١/٥ من حديث سفيان الثوري به، وهو في الكبرى، ح:٥٥٩٠.

Comments:

From this, we learn that divorcing in the state of pregnancy is also permitted.

Chapter 4. Divorce Without The *'Iddah*

(المعجم ٤) - بَابُ الطَّلَاقِ لِغَيْرِ الْعِدَّةِ (التحفة ٤)

3427. It was narrated from Ibn 'Umar that he divorced his wife when she was menstruating, but the Messenger of Allâh ﷺ told him to take her back, and divorce her when she was pure (not menstruating). (*Ṣaḥîḥ*)

٣٤٢٧ - أَخْبَرَنَا زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا أَبُو بِشْرٍ عَنْ سَعِيدِ ابْنِ جُبَيْرٍ، عَنِ ابْنِ عُمَرَ: أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَرَدَّهَا عَلَيْهِ رَسُولُ اللهِ ﷺ حَتَّى طَلَّقَهَا وَهِيَ طَاهِرٌ.

تخريج: [إسناده صحيح] وهو في الكبرى، ح:٥٥٩١ * أبوبشر هو جعفر بن أبي وحشية.

Comments:

'Take her bakc' means he ﷺ did not consider this divorce right according to the rule of the Divine law and commanded that she be taken back. It does not mean that he did not consider this divorce valid or he did not reckon it, as is argued by some.

Chapter 5. Divorce Without The *'Idddah* And What Is Counted As A Divorce

(المعجم ٥) - الطَّلَاقُ لِغَيرِ العِدَّةِ وَمَا يُحْتَسَبُ مِنْهُ عَلَى المُطَلِّقِ (التحفة ٥)

3428. It was narrated that Yûnus bin Jubair said: "I asked Ibn 'Umar about a man who divorced his wife while she was menstruating. He said: 'Do you know 'Abdullâh bin 'Umar?' He divorced his wife while she was menstruating, and 'Umar asked the Prophet ﷺ about that, and he told him to take her back, then wait for the right time. I said to him: 'Was that divorce counted?' He said: 'Be quiet! What do you think if some becomes helpless and behaves foolishly?'" (*Ṣaḥîḥ*)

٣٤٢٨ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، عَنْ يُونُسَ بْنِ جُبَيْرٍ قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَقَالَ: هَلْ تَعْرِفُ عَبْدَ اللهِ بْنَ عُمَرَ؟ فَإِنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَسَأَلَ عُمَرُ النَّبِيَّ ﷺ فَأَمَرَهُ أَنْ يُرَاجِعَهَا ثُمَّ يَسْتَقْبِلَ عِدَّتَهَا، فَقُلْتُ لَهُ: فَيَعْتَدُّ بِتِلْكَ التَّطْلِيقَةِ؟ فَقَالَ: مَهْ! أَرَأَيْتَ إِنْ عَجَزَ وَاسْتَحْمَقَ.

تخريج: أخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح:١٤٧١/٧ عن قتيبة، والبخاري، الطلاق، باب مراجعة الحائض، ح:٥٣٣٣ (باب: إذا طلقت الحائض تعتد بذلك الطلاق، ح:٥٢٥٢) من حديث محمد بن سيرين به، وهو في الكبرى، ح:٥٥٩٢ * حماد هو ابن زيد.

3429. It was narrated that Yûnus bin Jubair said: "I said to Ibn 'Umar: 'A man divorced his wife while she was menstruating.' He said: 'Do you know 'Abdullâh bin 'Umar? He divorced his wife when she was menstruating, and 'Umar went to the Prophet ﷺ and asked him about that, and he told him to take her back then wait for the right time.' I said to him: 'Was that divorce counted?' He said: 'Be quiet! What do you think if some becomes helpless and behaves foolishly?'" (*Ṣaḥîḥ*)

٣٤٢٩ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ عَنْ يُونُسَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ يُونُسَ بْنِ جُبَيْرٍ قَالَ: قُلْتُ لِابْنِ عُمَرَ: رَجُلٌ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَقَالَ: أَتَعْرِفُ عَبْدَ اللهِ بْنَ عُمَرَ؟ فَإِنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَأَتَى عُمَرُ النَّبِيَّ ﷺ يَسْأَلُهُ فَأَمَرَهُ أَنْ يُرَاجِعَهَا ثُمَّ يَسْتَقْبِلَ عِدَّتَهَا، قُلْتُ لَهُ: إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ وَهِيَ حَائِضٌ أَيَعْتَدُّ بِتِلْكَ التَّطْلِيقَةِ؟ فَقَالَ: مَهْ! وَإِنْ عَجَزَ أَوِ اسْتَحْمَقَ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٥٥٩٣، وأخرجه مسلم، ح:١٤٧١/٩ عن يعقوب به، * يونس هو ابن عبيد.

Chapter 6. Three Simultaneous Divorces And A Stern Warning Against That

(المعجم ٦) - الثَّلَاثُ الْمَجْمُوعَةُ وَمَا فِيهِ مِنَ التَّغْلِيظِ (التحفة ٦)

3430. Makhramah narrated that his father said: "I heard Mahmûd bin Labîd say: 'The Messenger of Allâh ﷺ was told about a man who had divorced his wife with three simultaneous divorces. He stood up angrily and said: Is the Book of Allâh being toyed with while I am still among you? Then a man stood up and said: 'O Messenger of Allâh, shall I kill him?" (*Sahîh*)

٣٤٣٠ - أَخْبَرَنَا سُلَيْمَانُ بْنُ دَاوُدَ عَنِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنَا مَخْرَمَةُ عَنْ أَبِيهِ قَالَ: سَمِعْتُ مَحْمُودَ بْنَ لَبِيدٍ قَالَ: أُخْبِرَ رَسُولُ اللهِ ﷺ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثَ تَطْلِيقَاتٍ جَمِيعًا فَقَامَ غَضْبَانًا ثُمَّ قَالَ: «أَيُلْعَبُ بِكِتَابِ اللهِ وَأَنَا بَيْنَ أَظْهُرِكُمْ؟» حَتَّى قَامَ رَجُلٌ وَقَالَ: يَا رَسُولَ اللهِ! أَلَا أَقْتُلُهُ؟

تخريج: [إسناده صحيح] وهو في الكبرٰى، ح:٥٥٩٤ * محمود صحابي، وأعل الحديث بعلة غير قادحة، مخرمة عن أبيه كتاب والرواية عن كتاب صحيحة إذا لم يثبت الجرح فيه.

Comments:

1. In view of men's frailties and haste, the Divine law has stipulated three phases of divorce and, subsequent to the first two fold divorces, has kept the provision of returning or taking one's wife back so that such deep relationship does not become the prey of human hastiness. A man who divorces rather should reflect and contemplate and make a decision keeping the passionate emotions at bay. The one who pronounced a threefold divorces simultaneously lost, as it were, all these three opportunities, and turned the matter of eminent relationship into sport and relinquished it to hastiness. So much so that now no possibility of reunion with the woman remained. He, therefore, openly disobeyed or violated the clearly manifest Qur'ânic guidance that the divorce be given separately.
2. It becomes known that giving threefold divorce together or simultaneously is contrary to the Divine law. Imâm Abû Hanifah ﷺ is the proponent of this viewpoint, but Imâm Shafi does not consider it forbidden, because man has the right of three pronouncements of divorce. He made use of it, as he desired it. If he has lost the phased opportunities, it is his loss.
3. If someone commits this sacrosanct act (of pronouncing threefold divorces simultaneously), according to the dominant majority of scholars, all the divorces shall be considered effected, and the woman shall become forbidden for him.

Chapter 7. Concession Allowing That

(المعجم ٧) - بَابُ الرُّخْصَةِ فِي ذَلِكَ (التحفة ٧)

3431. Sahl bin Sa'd As-Sâ'idî narrated that 'Uwaimir Al-'Ajlânî

٣٤٣١ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ:

حَدَّثَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ قَالَ: حَدَّثَنِي ابْنُ شِهَابٍ أَنَّ سَهْلَ بْنَ سَعْدٍ السَّاعِدِيَّ أَخْبَرَهُ أَنَّ عُوَيْمِرًا الْعَجْلَانِيَّ جَاءَ إِلَى عَاصِمِ بْنِ عَدِيٍّ فَقَالَ: أَرَأَيْتَ يَا عَاصِمُ! لَوْ أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا أَيَقْتُلُهُ فَيَقْتُلُونَهُ أَمْ كَيْفَ يَفْعَلُ؟ سَلْ لِي يَا عَاصِمُ رَسُولَ اللهِ ﷺ عَنْ ذَٰلِكَ، فَسَأَلَ عَاصِمٌ رَسُولَ اللهِ ﷺ فَكَرِهَ رَسُولُ اللهِ ﷺ الْمَسَائِلَ وَعَابَهَا حَتَّى كَبُرَ عَلَى عَاصِمٍ مَا سَمِعَ مِنْ رَسُولِ اللهِ ﷺ، فَلَمَّا رَجَعَ عَاصِمٌ إِلَى أَهْلِهِ جَاءَهُ عُوَيْمِرٌ فَقَالَ: يَا عَاصِمُ! مَاذَا قَالَ لَكَ رَسُولُ اللهِ ﷺ؟ فَقَالَ عَاصِمٌ لِعُوَيْمِرٍ: لَمْ تَأْتِنِي بِخَيْرٍ قَدْ كَرِهَ رَسُولُ اللهِ ﷺ الْمَسْأَلَةَ الَّتِي سَأَلْتَ عَنْهَا، فَقَالَ عُوَيْمِرٌ: وَاللّٰهِ! لَا أَنْتَهِي حَتَّى أَسْأَلَ عَنْهَا رَسُولَ اللهِ ﷺ، فَأَقْبَلَ عُوَيْمِرٌ حَتَّى أَتَى رَسُولَ اللهِ ﷺ وَسَطَ النَّاسِ فَقَالَ: يَا رَسُولَ اللهِ! أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا أَيَقْتُلُهُ فَتَقْتُلُونَهُ أَمْ كَيْفَ يَفْعَلُ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «قَدْ نَزَلَ فِيكَ وَفِي صَاحِبَتِكَ فَاذْهَبْ فَائْتِ بِهَا» قَالَ سَهْلٌ: فَتَلَاعَنَا وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللهِ ﷺ، فَلَمَّا فَرَغَ عُوَيْمِرٌ قَالَ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللهِ! إِنْ أَمْسَكْتُهَا، فَطَلَّقَهَا ثَلَاثًا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللهِ ﷺ.

came to 'Âṣim bin 'Adiy and said: "What do you think, O 'Âṣim! If a man finds another man with his wife, should he kill him, and be killed in retaliation, or what should he do? O 'Âṣim! Ask the Messenger of Allâh ﷺ about that for me." So 'Âṣim asked the Messenger of Allâh ﷺ about that, and the Messenger of Allâh ﷺ disapproved of the question, and criticized the asking of too many questions until 'Âṣim felt upset. When 'Âṣim went back to his people, 'Uwaimir came to him and said: "O 'Âṣim, what did the Messenger of Allâh ﷺ say to you?" 'Âṣim said: "You have not brought me any good. The Messenger of Allâh ﷺ disapproved of the question you asked." 'Uwaimir said: "By Allâh, I will go and ask the Messenger of Allâh ﷺ." So he went to the Messenger of Allâh ﷺ and found him in the midst of the people. He said: "O Messenger of Allâh, what do you think if a man finds another man with his wife – should he kill him, and be killed in retaliation or what should he do?" The Messenger of Allâh ﷺ said: "Something has been revealed concerning you and your wife, so go and bring her here." Sahl said: "So they engaged in the procedure of *Li'ân*, and I was among the people in the presence of the Messenger of Allâh ﷺ. When 'Uwaimir finished he said: "I would have been telling lies about her, O Messenger of Allâh, if I keep her." So he divorced her

thrice before the Messenger of Allâh ﷺ told him to do so. (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، الطلاق، باب من جوز الطلاق الثلاث ... إلخ، ح:٥٢٥٩، ومسلم، اللعان، ح:١٤٩٢ من حديث مالك به، وهو في الموطأ (يحيى):٢/٥٦٦، ٥٦٧، والكبرٰى، ح:٥٥٩٥.

Comments:

1. 'Killed in retaliation' because imposition of the prescribed legal penalty or the *Hadd* is upon government. No one can individually impose the prescribed legal penalty of his own. Therefore, if someone kills a person in a fit of rage who he finds sleeping with his wife, he would thereupon be killed by way of rightful retaliation if he fails to produce four eyewitnesses. Otherwise it would provide people with an excuse to indulge in an orgy of killing. On the Day of Resurrection, however, Allâh, Most High, would treat him in accordance with His knowledge of things, which means if the slain had really committed the crime of adultery and was married, the killer would be forgiven, or otherwise he would be punished.
2. 'Allâh's Messenger ﷺ disapproved of the question'; because he thought these were hypothetical questions, and asking hypothetical questions is shamefully disgusting. Allâh, Most High, had knowledge that the incident had already taken place. Hence, He sent down the Revelation.
3. The detail concerning the *Li'ân* (invoking curse) is coming up, Allâh Willing!
4. 'He divorced her with three pronouncements': And Allâh's Messenger ﷺ did not stop him. It becomes known that giving a threefold divorce simultaneously is permissible. But the marriage itself was ended by *Li'ân*. There is no need of divorce as it makes divorce redundant. Therefore, his act (of giving threefold divorce) was superfluous and futile. This is why the Prophet ﷺ did not stop him abruptly.

3432. Fâṭimah bint Qais said: "I came to the Prophet ﷺ and said: 'I am the daughter of Âli Khâlid and my husband, so and so, sent word to me divorcing me. I asked his family for provision and shelter but they refused.' They said: 'O Messenger of Allâh, he sent word to her divorcing her thrice.''' She said: "The Messenger of Allâh ﷺ said: 'The woman is still entitled to provision and shelter if the husband can still take her back.'"[1] (*Ṣaḥîḥ*)

٣٤٣٢ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ يَزِيدَ الْأَحْمَسِيُّ قَالَ: حَدَّثَنَا الشَّعْبِيُّ قَالَ: حَدَّثَتْنِي فَاطِمَةُ بِنْتُ قَيْسٍ قَالَتْ: أَتَيْتُ النَّبِيَّ ﷺ فَقُلْتُ: أَنَا بِنْتُ آلِ خَالِدٍ وَإِنَّ زَوْجِي فُلَانًا أَرْسَلَ إِلَيَّ بِطَلَاقِي، وَإِنِّي سَأَلْتُ أَهْلَهُ النَّفَقَةَ وَالسُّكْنَى فَأَبَوْا عَلَيَّ، قَالُوا: يَا رَسُولَ اللهِ! إِنَّهُ قَدْ أَرْسَلَ إِلَيْهَا بِثَلَاثِ تَطْلِيقَاتٍ، قَالَتْ:

[1] Meaning, in the case of the first or second divorce.

فَقَالَ رَسُولُ اللهِ ﷺ: «إِنَّمَا النَّفَقَةُ وَالسُّكْنَى لِلْمَرْأَةِ إِذَا كَانَ لِزَوْجِهَا عَلَيْهَا الرَّجْعَةُ».

تخريج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح:١٤٨٠/٤٢ من حديث الشعبي به، وهو في الكبرٰى، ح:٥٥٩٦.

Comments:

This narration has appeared in the book at various places. Some narrations say "He divorced me three times, some contain "He gave me an irrevocable ultimate divorce," while some have "He gave me the final divorce of three divorces'. Hence, deriving legal ruling about the permissibility of giving a threefold divorce simultaneously from this narration is not right, because by putting together all the narrations, it emerges that her husband had conveyed the third divorce. Two divorces he had already used earlier. See *Ḥadîth* 3224.

3433. It was narrated from Fâṭimah bint Qais that the Prophet ﷺ said: "The thrice-divorced woman is not entitled to provision and shelter." (*Ṣaḥîḥ*)

٣٤٣٣ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ سَلَمَةَ، عَنِ الشَّعْبِيِّ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ عَنِ النَّبِيِّ ﷺ: «الْمُطَلَّقَةُ ثَلَاثًا لَيْسَ لَهَا سُكْنَى وَلَا نَفَقَةٌ».

تخريج: أخرجه مسلم، ح:١٤٨٠/٤٤ عن محمد بن بشار به، انظر الحديث السابق، وهو في الكبرٰى، ح:٥٥٩٧ * عبدالرحمٰن هو ابن مهدي، وسفيان هو الثوري، وسلمة هو ابن كهيل.

Comments:

This narration too makes no mention of giving three divorces together.

3434. Fâṭimah bint Qais narrated that Abû 'Amr bin Ḥafṣ Al-Makhzûmî divorced her thrice. Khâlid bin Al-Walîd went with a group of (the tribe of) Makhzûm to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh! Abû 'Amr bin Ḥafṣ has divorced Fâṭimah thrice, is she entitled to provision?" He said: "She is not entitled to provision nor shelter." (*Ṣaḥîḥ*)

٣٤٣٤ - **أَخْبَرَنَا** عَمْرُو بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ أَبِي عَمْرٍو - وَهُوَ الْأَوْزَاعِيُّ - قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ قَالَ: حَدَّثَتْنِي فَاطِمَةُ بِنْتُ قَيْسٍ: أَنَّ أَبَا عَمْرِو بْنَ حَفْصٍ الْمَخْزُومِيَّ طَلَّقَهَا ثَلَاثًا فَانْطَلَقَ خَالِدُ بْنُ الْوَلِيدِ فِي نَفَرٍ مِنْ بَنِي مَخْزُومٍ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ أَبَا عَمْرِو بْنَ حَفْصٍ طَلَّقَ فَاطِمَةَ ثَلَاثًا فَهَلْ لَهَا نَفَقَةٌ؟ فَقَالَ: «لَيْسَ لَهَا نَفَقَةٌ وَلَا سُكْنَى».

تخريج:أخرجه مسلم، ح:١٤٨٠/٣٨ من حديث يحيى بن أبي كثير به، وهو في الكبرٰى، ح:٥٥٩٨، انظر الحديث السابق.

Comments:

It is not clear whether she was given three divorces together or separately. The wordings contain the possibility of dual meaning. It emerges by putting together other reports that the third divorce was given. It is also called the absolutely separating divorce (lit. *Battah*). Putting together the previous two divorces, the figure three was stated. This reconciliation is essential so that all the related narrations be understood, especially when Allâh's Messenger ﷺ has expressed his displeasure over giving three divorces together. (See No. 3430).

Chapter 8. Three Separate Divorces Before Consummation Of The Marriage

(المعجم ٨) - **بَابُ طَلَاقِ الثَّلَاثِ الْمُتَفَرِّقَةِ قَبْلَ الدُّخُولِ بِالزَّوْجَةِ** (التحفة ٨)

3435. It was narrated from Ibn Ṭawûs, from his father, that Abû Aṣ-Ṣahbâ' came to Ibn 'Abbâs and said: "O Ibn 'Abbâs! Did you not know that the threefold divorce during the time of the Messenger of Allâh ﷺ and Abû Bakr, and during the early part of 'Umar's Caliphate, used to be counted as one divorce?" He said: "Yes." (*Ṣaḥîḥ*)

٣٤٣٥ - أَخْبَرَنَا أَبُو دَاوُدَ سُلَيْمَانُ بْنُ سَيْفٍ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ: أَنَّ أَبَا الصَّهْبَاءِ جَاءَ إِلَى ابْنِ عَبَّاسٍ فَقَالَ: يَا ابْنَ عَبَّاسٍ! أَلَمْ تَعْلَمْ أَنَّ الثَّلَاثَ كَانَتْ عَلَى عَهْدِ رَسُولِ اللهِ ﷺ وَأَبِي بَكْرٍ وَصَدْرًا مِنْ خِلَافَةِ عُمَرَ رَضِيَ اللهُ عَنْهُمَا تُرَدُّ إِلَى الْوَاحِدَةِ؟ قَالَ: نَعَمْ.

تخريج:أخرجه مسلم، الطلاق، باب طلاق الثلاث، ح:١٤٧٢/١٦ من حديث ابن جريج به، وهو في الكبرٰى، ح:٥٥٩٩ .

Comments:

This *Ḥadîth* does not specify whether (the divorce was pronounced) before the first coition in marriage or following it (pre-coital or post-coital). Imâm An-Nasâ'î has interpreted this *Ḥadîth* in order to make it coherent with the dominant majority of the people of knowledge that the three divorces mentioned in this narration are of that woman with whom one has not yet had sexual intercourse. (See *Ḥadîth* 3430)

Chapter 9. The Divorce Of A Woman Who Married A Man, But He Did Not Consummate The Marriage With Her

(المعجم ٩) - الطَّلَاقُ لِلَّتِي تَنْكِحُ زَوْجًا ثُمَّ لَا يَدْخُلُ بِهَا (التحفة ٩)

3436. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ was asked about a man who divorced his wife, and she married another man who had a closed meeting with her then divorced her, before having intercourse with her. Is it permissible for her to remarry the first husband? The Messenger of Allâh ﷺ said: 'No, not until the second one tastes her sweetness and she tastes his sweetness.'" (*Da'îf*)

٣٤٣٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: سُئِلَ رَسُولُ اللهِ ﷺ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ فَتَزَوَّجَتْ زَوْجًا غَيْرَهُ فَدَخَلَ بِهَا ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يُوَاقِعَهَا أَتَحِلُّ لِلْأَوَّلِ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «لَا، حَتَّى يَذُوقَ الْآخَرُ عُسَيْلَتَهَا وَتَذُوقَ عُسَيْلَتَهُ».

تخريج: [**إسناده ضعيف**] أخرجه أبو داود، الطلاق، باب المبتوتة لا يرجع إليها زوجها حتى تنكح زوجًا غيره، ح:٢٣٠٩ من حديث أبي معاوية به، وهو في الكبرى، ح:٥٦٠٠ * الأعمش وإبراهيم النخعي مدلسان وعنعنا، وحديث البخاري، ح:٥٢٦١، ومسلم، ح:١١٠/١٤٣٣ يغني عنه.

Comments:

(See *Hadîth* 3238).

3437. It was narrated that 'Âishah said: "The wife of Rifâ'ah Al-Quraẓî came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh! I got married to 'Abdur-Rahmân bin Az-Zabîr, and what he has is like this fringe.' The Messenger of Allâh ﷺ said: 'Perhaps you want to go back to Rifâ'ah? No, not until he ('Abdur-Rahmân) tastes your sweetness and you taste his sweetness.'" (*Sahîh*)

٣٤٣٧ - أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ بْنِ عَبْدِ الْحَكَمِ قَالَ: حَدَّثَنَا شُعَيْبُ بْنُ اللَّيْثِ عَنْ أَبِيهِ قَالَ: حَدَّثَنِي أَيُّوبُ بْنُ مُوسَى عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتِ امْرَأَةُ رِفَاعَةَ الْقُرَظِيِّ إِلَى رَسُولِ اللهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنِّي نَكَحْتُ عَبْدَ الرَّحْمٰنِ بْنَ الزَّبِيرِ، وَاللّٰهِ! مَا مَعَهُ إِلَّا مِثْلَ هٰذِهِ الْهُدْبَةِ، فَقَالَ رَسُولُ اللهِ ﷺ: «لَعَلَّكِ تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى يَذُوقَ عُسَيْلَتَكِ وَتَذُوقِي عُسَيْلَتَهُ».

تخريج: [**صحيح**] من حديث الزهري به، (انظر الحديث الآتي) وهو في الكبرى، ح:٥٦٠١.

Comments:
(See *Ḥadîth* 3285)

Chapter 10. The Irrevocable Divorce

(المعجم ١٠) - **طَلَاقُ الْبَتَّةِ** (التحفة ١٠)

3438. It was narrated that 'Âishah said: "The wife of Rifâ'ah Al-Qurazî came to the Prophet ﷺ when Abû Bakr was with him, and she said: 'O Messenger of Allâh ﷺ! I was married to Rifâ'ah Al-Qurazî and he divorced me, and made it irrevocable. Then I married 'Abdur-Raḥmân bin Az-Zabir, and by Allâh, O Messenger of Allâh, what he has is like this fringe;' and she held up a fringe of her *Jilbâb*. Khâlid bin Sa'eed was at the door and he did not let him in. He said: 'O Abû Bakr? Do you not hear this woman speaking in such an audacious manner in the presence of the Messenger of Allâh ﷺ?' He said: 'Do you want to go back to Rifâ'ah? No, not until you taste his sweetness and he tastes your sweetness.'" (*Ṣaḥîḥ*)

٣٤٣٨ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتِ امْرَأَةُ رِفَاعَةَ الْقُرَظِيِّ إِلَى النَّبِيِّ ﷺ وَأَبُو بَكْرٍ عِنْدَهُ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنِّي كُنْتُ تَحْتَ رِفَاعَةَ الْقُرَظِيِّ فَطَلَّقَنِي الْبَتَّةَ فَتَزَوَّجْتُ عَبْدَ الرَّحْمٰنِ بْنَ الزَّبِيرِ، وَإِنَّهُ وَاللهِ! يَا رَسُولَ اللهِ! مَا مَعَهُ إِلَّا مِثْلُ هٰذِهِ الْهُدْبَةِ، وَأَخَذَتْ هُدْبَةً مِنْ جِلْبَابِهَا، وَخَالِدُ بْنُ سَعِيدٍ بِالْبَابِ فَلَمْ يَأْذَنْ لَهُ، فَقَالَ: يَا أَبَا بَكْرٍ! أَلَا تَسْمَعُ هٰذِه تَجْهَرُ بِمَا تَجْهَرُ بِهِ عِنْدَ رَسُولِ اللهِ ﷺ؟ فَقَالَ: «تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى تَذُوقِي عُسَيْلَتَهُ وَيَذُوقَ عُسَيْلَتَكِ».

تخريج: أخرجه البخاري، الأدب، باب التبسم والضحك، ح:٦٠٨٤، ومسلم، النكاح، باب: لا تحل المطلقة ثلاثًا لمطلقها حتى تنكح زوجًا غيره ويطأها ... إلخ، ح:١٤٣٣/١١٣ من حديث معمر بن راشد به، وهو في الكبرى، ح:٥٦٠٢.

Comments:
(See *Ḥadîth* 3285)

Chapter 11. It Is Up To You

(المعجم ١١) - **أَمْرُكِ بِيَدِكِ** (التحفة ١١)

3439. Ḥammâd bin Zaid said: "I said to Ayyûb: 'Do you know anyone who said concerning the phrase 'It is up to you' that it is equivalent to three (divorces) except Al-Ḥasan?' He said: 'No.' Then he said: 'O

٣٤٣٩ - أَخْبَرَنَا عَلِيُّ بْنُ نَصْرِ بْنِ عَلِيٍّ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ قَالَ: قُلْتُ لِأَيُّوبَ: هَلْ عَلِمْتَ أَحَدًا قَالَ فِي - أَمْرُكِ بِيَدِكِ - أَنَّهَا ثَلَاثٌ غَيْرَ

Allâh! Grant forgivness, sorry.'" Qatâdah narrated to me from Kathîr the freed slave of Ibn Samurah, from Abû Salamah, from Abû Hurairah, that the Prophet ﷺ said: "Three." I met Kathîr and asked him, and he did not know of it. I went back to Qatâdah and told him, and he said: "He forgot." (*Ḍa'if*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: This *Ḥadîth* is *Munkar*.

الْحَسَنِ؟ فَقَالَ: لَا، ثُمَّ قَالَ: اللَّهُمَّ! عَفْوًا إِلَّا مَا حَدَّثَنِي قَتَادَةُ عَنْ كَثِيرٍ مَوْلَى ابْنِ سَمُرَةَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «ثَلَاثٌ». فَلَقِيتُ كَثِيرًا فَسَأَلْتُهُ فَلَمْ يَعْرِفْهُ، فَرَجَعْتُ إِلَى قَتَادَةَ فَأَخْبَرْتُهُ فَقَالَ: نَسِيَ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا حَدِيثٌ مُنْكَرٌ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الطلاق، باب ماجاء في: أمرك بيدك، ح:١١٧٨ عن علي بن نصر به، وقال: "غريب"، وهو في الكبرى، ح:٥٦٠٣ * قتادة عنعن وأنكر كثير مولى ابن سمرة، المروي المنسوب إليه وهو صحيح من قول الحسن البصري.

Comments:

1. If the husband addresses his wife saying, 'Your matter or command is in your hand' means you have the choice to take divorce; if you desire, you may take it. If the wife states, "I have taken the divorce," how many divorces shall have to be given her? Some individuals are the proponents of three divorces, which means such a woman would be permanently separated from him. But according to the majority of the people of knowledge, only one divorce will be effected upon her, because the term divorce is meaningfully indicative of only one divorce.
2. 'O Allâh! Grant forgiveness!' means I made a mistake, and I said "no" in haste. He sought forgiveness for his hastiness; otherwise the wrong committed out of forgetfulness or done unwittingly stands forgiven by Allâh, Most High.
3. 'Kathir forgot': If some transmitter forgets the *Ḥadîth* after transmitting it, but his pupil who transmits the *Ḥadîth* is trustworthy, the narration would be reliable. Forgetfulness would not cast any effect upon the authenticity of the report.

Chapter 12. Making A Thrice-Divorced Woman Lawful (To Return To Her First Husband) And The Marriage That Makes This Lawful

(المعجم ١٢) - **بَابُ إِحْلَالِ الْمُطَلَّقَةِ ثَلَاثًا وَالنِّكَاحِ الَّذِي يُحِلُّهَا بِهِ** (التحفة ١٢)

3440. It was narrated that 'Âishah said: "The wife of Rifâ'ah came to the Messenger of Allâh ﷺ and said: 'My husband divorced me and made it irrevocable. After that I married 'Abdur-Raḥmân bin Az-

٣٤٤٠ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتِ امْرَأَةُ رِفَاعَةَ إِلَى رَسُولِ اللهِ ﷺ فَقَالَتْ: إِنَّ زَوْجِي طَلَّقَنِي فَأَبَتَّ طَلَاقِي،

وَإِنِّي تَزَوَّجْتُ بَعْدَهُ عَبْدَ الرَّحْمٰنِ بْنَ الزَّبِيرِ وَمَا مَعَهُ إِلَّا مِثْلُ هُدْبَةِ الثَّوْبِ، فَضَحِكَ رَسُولُ اللهِ ﷺ وَقَالَ: «لَعَلَّكِ تُرِيدِينَ أَنْ تَرْجِعِي إِلَى رِفَاعَةَ؟ لَا، حَتَّى يَذُوقَ عُسَيْلَتَكِ وَتَذُوقِي عُسَيْلَتَهُ».

Zabir and what he has is like the fringe of a garment.' The Messenger of Allâh ﷺ smiled and said: 'Perhaps you want to go back to Rifâ'ah? No, not until he tastes your sweetness and you taste his sweetness.'" (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح:٣٢٨٥، وهو في الكبرى، ح:٥٦٠٤.

٣٤٤١ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنِي عُبَيْدُ اللهِ قَالَ: حَدَّثَنِي الْقَاسِمُ عَنْ عَائِشَةَ: أَنَّ رَجُلًا طَلَّقَ امْرَأَتَهُ ثَلَاثًا فَتَزَوَّجَتْ زَوْجًا فَطَلَّقَهَا قَبْلَ أَنْ يَمَسَّهَا، فَسُئِلَ رَسُولُ اللهِ ﷺ أَتَحِلُّ لِلْأَوَّلِ؟ فَقَالَ: «لَا، حَتَّى يَذُوقَ عُسَيْلَتَهَا كَمَا ذَاقَ الْأَوَّلُ».

3441. It was narrated from 'Âishah that a man divorced his wife three times and she married another husband who divorced her, before having intercourse with her. The Messenger of Allâh ﷺ was asked: "Is she permissible for the first (husband to remarry her)?" He said: "No, not until he tastes her sweetness as the first tasted her sweetness." (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، الطلاق، باب من جوز الطلاق الثلاث ... إلخ، ح:٥٢٦١ من حديث يحيى به، ومسلم، النكاح، باب: لا تحل المطلقة ثلاثًا لمطلقها حتى تنكح ... إلخ، ح:١٤٣٣/١١٥ عن محمد بن المثنى به، وهو في الكبرى، ح:٥٦٠٥.

Comments:

(For the detail of this issue, please turn to *Ḥadîth* 3285)

٣٤٤٢ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا يَحْيَى بْنُ أَبِي إِسْحَاقَ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَبْدِ اللهِ ابْنِ عَبَّاسٍ: أَنَّ الْغُمَيْصَاءَ أَوِ الرُّمَيْصَاءَ أَتَتِ النَّبِيَّ ﷺ تَشْتَكِي زَوْجَهَا أَنَّهُ لَا يَصِلُ إِلَيْهَا، فَلَمْ تَلْبَثْ أَنْ جَاءَ زَوْجُهَا فَقَالَ: يَا رَسُولَ اللهِ! هِيَ كَاذِبَةٌ وَهُوَ يَصِلُ إِلَيْهَا وَلٰكِنَّهَا تُرِيدُ

3442. It was narrated from 'Abdullâh bin 'Abbâs[1] that Al-Ghumaiṣâ' or Ar-Rumaiṣâ' came to the Prophet ﷺ complaining that her husband would not have intercourse with her. It was not long before her husband came and said: "O Messenger of Allâh, she is lying; he is having intercourse with her, but she wants to go back to her first husband." The Messenger

[1] In the narration of Aḥmad (1:214, No.1837) and others through the same route, the narrator is 'Ubaidullâh bin Al-'Abbâs rather than 'Abdullâh. Also, in reference to the odd manner in which the man spoke about himself; in the narration of Aḥmad and others, the statement is about what the man said, not a quote of what the man said.

of Allâh ﷺ said: "She cannot do that until she tastes his sweetness." (*Ṣaḥîḥ*)

أَنْ تَرْجِعَ إِلَى زَوْجِهَا الْأَوَّلِ، فَقَالَ رَسُولُ اللهِ ﷺ: «لَيْسَ ذٰلِكِ لَهَا حَتَّى تَذُوقَ عُسَيْلَتَهُ».

تخريج: [إسناده صحيح] أخرجه أحمد: ١/٢١٤ عن هشيم به، وفيه: عبيدالله بن عباس، وهو الصواب، وكذا في تحفة الأشراف، ح:٩٧٤٨، والنسخة الخطية من السنن الكبرٰى للنسائي، (الورقة ٧٢ب) وجاء في المطبوعة، ح:٥٦٠٦ "عبدالله"، وهو وهم.

Comments:

1. That woman according to her claim could not return to her (former) husband in marriage, because according to her, her (new) husband was not able to copulate with her. Unless he copulates with her and divorces her, she cannot return to her former husband. Hence, her own statement went against her.
2. Rumaisâ was the title of Umm Salim, the mother of Anas. But she was another woman.

3443. It was narrated from Ibn 'Umar that the Prophet ﷺ said, concerning a man who had a wife and he divorced her, then she married another man who divorced her before consummating the marriage with her, and (it was asked) whether she could go back to her first husband: "No, not until she tastes his sweetness." (*Ṣaḥîḥ*)

٣٤٤٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَلْقَمَةَ ابْنِ مَرْثَدٍ قَالَ: سَمِعْتُ سَلْمَ بْنَ زَرِيرٍ يُحَدِّثُ عَنْ سَالِمِ بْنِ عَبْدِ اللهِ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنِ ابْنِ عُمَرَ: عَنِ النَّبِيِّ ﷺ فِي الرَّجُلِ يَكُونُ لَهُ الْمَرْأَةُ يُطَلِّقُهَا ثُمَّ يَتَزَوَّجُهَا رَجُلٌ آخَرُ فَيُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، فَتَرْجِعُ إِلَى زَوْجِهَا الْأَوَّلِ؟ قَالَ: «لَا، حَتَّى تَذُوقَ الْعُسَيْلَةَ».

تخريج: [صحيح] أخرجه ابن ماجه، النكاح، باب الرجل يطلق امرأته ثلاثًا فتزوج فيطلقها ... إلخ، ح:١٩٣٣ من حديث محمد بن جعفر غندر به، وهو في الكبرٰى، ح:٥٦٠٧، وللحديث شواهد كثيرة جدًا * وسلم مجهول واسم أبيه: رزين كما في السنن الكبرٰى والتعليقات السلفية لشيخنا عطاء الله حنيف الفوجياني رحمه الله.

3444. It was narrated that Ibn 'Umar said: "The Prophet ﷺ was asked about a man who divorced his wife three times, then another man married her and he closed the door and drew the curtain, then divorced her before consummating the marriage with her. He said: "She is not permissible for the first one (to remarry her) until the

٣٤٤٤ - أَخْبَرَنَا مَحْمُودُ بْنُ غَيْلَانَ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ رَزِينِ بْنِ سُلَيْمَانَ الْأَحْمَرِيِّ، عَنِ ابْنِ عُمَرَ قَالَ: سُئِلَ النَّبِيُّ ﷺ عَنِ الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ ثَلَاثًا فَيَتَزَوَّجُهَا الرَّجُلُ فَيُغْلِقُ الْبَابَ وَيُرْخِي السِّتْرَ ثُمَّ يُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، قَالَ: «لَا تَحِلُّ لِلْأَوَّلِ حَتَّى يُجَامِعَهَا الْآخَرُ».

second one has had intercourse with her." (*Sahîh*)

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا أَوْلَى بِالصَّوَابِ.

Abû 'Abdur-Rahmân (An-Nasâ'î) said: This is more worthy of being correct.

تخريج: [صحيح] وهو في الكبرٰى، ح:٥٦٠٨، وانظر الحديث السابق.

Chapter 13. Making A Thrice-Divorced Woman Lawful (To Return To Her First Husband), And The Stern Warning Concerning That

(المعجم ١٣) - بَابُ إِحْلَالِ الْمُطَلَّقَةِ ثَلَاثًا وَمَا فِيهِ مِنَ التَّغْلِيظِ (التحفة ١٣)

3445. It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ cursed the woman who tattooes and the one tattooed, the woman who fixed hair extensions and the one who had her hair get extended, the consumer of Ribâ and the one who pays it, and *Al-Muhallil* and *Al-Muhallal Lahu*."[1] (*Sahîh*)

٣٤٤٥ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ عَنْ سُفْيَانَ، عَنْ أَبِي قَيْسٍ، عَنْ هُزَيْلٍ، عَنْ عَبْدِ اللهِ قَالَ: «لَعَنَ رَسُولُ اللهِ ﷺ الْوَاشِمَةَ وَالْمُوتَشِمَةَ، وَالْوَاصِلَةَ وَالْمَوْصُولَةَ، وَآكِلَ الرِّبَا وَمُوكِلَهُ، وَالْمُحَلِّلَ وَالْمُحَلَّلَ لَهُ».

تخريج: [صحيح] أخرجه الترمذي، النكاح، باب ماجاء في المحل والمحلل له، ح:١١٢٠ من حديث سفيان الثوري به، وقال "حسن صحيح"، وهو في الكبرٰى، ح:٥٦٠٩، وللحديث شواهد كثيرة عند أحمد:٢/٣٢٣، وابن الجارود، ح:٦٨٤ وغيرهما.

Comments:

1. Since such people violate the inherent instinctive nature, they are deserving of the curse.
2. 'The joiner or fastener of hair': To add artificial hair to one's genuine hair (hair extensions) is cheating and deception, which is contrary to the human innate nature.
3. 'The taker and giver of *Ribâ* (interest)': The bedrock of interest is miserliness and selfishness, which is contrary to the innate human nature. Since the giver of interest is conducive to keeping the corrupt system of interest in perpetuity, he was also associated within the ruling of interest.
4. 'The one who makes the woman lawful' means the man who marries a woman who has been irrevocably divorced on the condition of his divorcing her after copulating with her, in order that she may become lawful to (be married to) the former husband.

[1] *Al-Muhallil* is the man who marries a woman in order to divorce her, so that she can go back to her first husband. *Al-Muhallal Lahu* is the first husband for whom this is done.

Chapter 14. A Man Divorcing His Wife Face To Face

(المعجم ١٤) - بَابُ مُوَاجَهَةِ الرَّجُلِ الْمَرْأَةَ بِالطَّلَاقِ (التحفة ١٤)

3446. It was narrated from 'Âishah that when the Kilâbî woman entered upon the Prophet ﷺ she said: "I seek refuge with Allâh from you." The Messenger of Allâh ﷺ said: "You have sought refuge with One Who is Great. Go back to your family." (***Sahîh***)

٣٤٤٦ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ قَالَ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ قَالَ: سَأَلْتُ الزُّهْرِيَّ عَنِ الَّتِي اسْتَعَاذَتْ مِنْ رَسُولِ اللهِ ﷺ فَقَالَ: أَخْبَرَنِي عُرْوَةُ عَنْ عَائِشَةَ: أَنَّ الْكِلَابِيَّةَ لَمَّا دَخَلَتْ عَلَى النَّبِيِّ ﷺ قَالَتْ: أَعُوذُ بِاللَّهِ مِنكَ، فَقَالَ رَسُولُ اللهِ ﷺ: «لَقَدْ عُذْتِ بِعَظِيمٍ، الْحَقِي بِأَهْلِكِ».

تخريج: أخرجه البخاري، الطلاق، باب من طلق، وهل يواجه الرجل امرأته بالطلاق؟، ح: ٥٢٥٤ من حديث الوليد به، وهو في الكبرى، ح: ٥٦١٠.

Comments:

1. 'The Kilâbî woman': Her name was Fatimah bint Dhahhâk. Her father had contracted her marriage with the Messenger of Allâh ﷺ. The controversy is: why did she utter these words? (I seek Allâh's refuge from you). It occurs in some reports that someone had deceptively told her that if she uttered these words in her first meeting with the Prophet ﷺ, he would become very glad. Or she was probably not happy about the marriage committed by her father, and she, therefore, uttered these words. Whatever the situation might have been, the Prophet ﷺ divorced her.
3. 'Go back to your family': If these words are uttered with the intention of divorcing, the divorce shall come into effect.

Chapter 15. A Man Sending Word To His Wife That She Is Divorced

(المعجم ١٥) - بَابُ إِرْسَالِ الرَّجُلِ إِلَى زَوْجَتِهِ بِالطَّلَاقِ (التحفة ١٥)

3447. It was narrated that Abû Bakr – the son of Abû Al-Jahm – said: "I heard Fâṭimah bint Qais say: 'My husband sent word to me that I was divorced, so I put on my garments and went to the Prophet ﷺ. He said: 'How many times did he divorce you?' I said: 'Three.' He said: "You are not entitled to maintenance. Observe your *'Iddah* in the house of your paternal

٣٤٤٧ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ عَنْ سُفْيَانَ، عَنْ أَبِي بَكْرٍ - وَهُوَ ابْنُ أَبِي الْجَهْمِ - قَالَ: سَمِعْتُ فَاطِمَةَ بِنْتَ قَيْسٍ تَقُولُ: أَرْسَلَ إِلَيَّ زَوْجِي بِطَلَاقِي فَشَدَدْتُ عَلَيَّ ثِيَابِي ثُمَّ أَتَيْتُ النَّبِيَّ ﷺ فَقَالَ: «كَمْ طَلَّقَكِ»؟ فَقُلْتُ: ثَلَاثًا قَالَ: «لَيْسَ لَكِ نَفَقَةٌ وَاعْتَدِّي فِي بَيْتِ ابْنِ عَمِّكِ

cousin Ibn Umm Maktûm, for he is blind and you can take off your garments there. And when your *'Iddah* is over let me know.'" This is an abridgement. (*Ṣaḥîḥ*)

ابْنِ أُمِّ مَكْتُومٍ فَإِنَّهُ ضَرِيرُ الْبَصَرِ تُلْقِينَ ثِيَابَكِ عِنْدَهُ، فَإِذَا انْقَضَتْ عِدَّتُكِ فَآذِنِينِي». مُخْتَصَرٌ.

تخريج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ١٤٨٠/٤٨ من حديث عبدالرحمٰن بن مهدي به، وهو في الكبرٰى، ح: ٥٦١١ * سفيان هو الثوري.

Comments:

"You can take off your garments" means superfluous garments, not all. (For details see *Ḥadîth* 3424).

3448. A similar report was narrated from Tamîm, the freed slave of Fâṭimah, from Fâṭimah. (*Ṣaḥîḥ*)

٣٤٤٨ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ تَمِيمٍ مَوْلَى فَاطِمَةَ، عَنْ فَاطِمَةَ نَحْوَهُ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح: ٥٦١٢ .

Chapter 16. Meaning Of The Saying Of Allâh, The Mighty And Sublime: "O Prophet! Why Do You Forbid (For Yourself) That Which Allâh Has Allowed To You."[1]

(المعجم ١٦) - تَأْوِيلُ قَوْلِهِ عَزَّ وَجَلَّ ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ لِمَ تُحَرِّمُ مَآ أَحَلَّ ٱللَّهُ لَكَ﴾ [التحريم: ١] (التحفة ١٦)

3449. It was narrated that Ibn 'Abbâs said: "A man came to him and said: 'I have made my wife forbidden to myself.' He said: 'You are lying, she is not forbidden to you.' Then he recited this Verse: 'O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.'[2] (And he said): 'You have to offer the severest form of expiation: Freeing a slave.'" (*Ḥasan*)

٣٤٤٩ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ عَبْدِ الصَّمَدِ ابْنِ عَلِيٍّ الْمَوْصِلِيُّ قَالَ: حَدَّثَنَا مَخْلَدٌ عَنْ سُفْيَانَ، عَنْ سَالِمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: أَتَاهُ رَجُلٌ فَقَالَ: إِنِّي جَعَلْتُ امْرَأَتِي عَلَيَّ حَرَامًا، قَالَ: كَذَبْتَ لَيْسَتْ عَلَيْكَ بِحَرَامٍ، ثُمَّ تَلَا هٰذِهِ الآيَةَ ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ لِمَ تُحَرِّمُ مَآ أَحَلَّ ٱللَّهُ لَكَ﴾ [التحريم: ١] عَلَيْكَ أَغْلَظُ الْكَفَّارَةِ: عِتْقُ رَقَبَةٍ.

[1] *At-Taḥrîm* 66:1.
[2] *At-Taḥrîm* 66:1.

تخريج: [حسن] أخرجه البيهقي: ٧/ ٣٥٠، ٣٥١ من حديث سفيان الثوري به، وتابعه مطيع ابن عبدالله الغزال عند الطبراني في الكبير: ١١/ ٤٤٠، ح: ١٢٢٤٦، وهو في الكبرى، ح: ٥٦١٣ * مخلد هو ابن يزيد الحراني، سالم هو ابن عجلان الأفطس، وصححه الحاكم على شرط البخاري: ٢/ ٤٩٣، ٤٩٤، ووافقه الذهبي، والحديث في الصحيحين، البخاري، ح: ٤٩١١، ٥٢٦٦، ومسلم، ح: ١٤٧٣/ ١٨، ١٩ بغير هذا اللفظ.

Comments:

1. 'You are lying' means your calling your wife unlawful to yourself is a lie and something wrong, because how could a wife be unlawful?
2. 'The severest form' because you have said the most detestable thing. The wife would not become unlawful, but you will have to undergo a severe punishment for having uttered such words. (See *Hadîth* 3411).
3. 'Freeing a slave': The apparent wording of the Glorious Qur'ân corroborates *Kaffarah Al-Yamin* (atonement for swearing) in such situations, which consist of, in addition to freeing of a slave, feeding people who are poor or short of money, or to provide clothing, or fasting also.

Chapter 17. Another Explanation Of The Meaning Of This Verse

(المعجم ١٧) - تَأْوِيلُ هَذِهِ الآيَةِ عَلَى وَجْهٍ آخَرَ (التحفة ١٧)

3450. 'Ubaid bin 'Umair narrated from 'Âishah, the wife of the Prophet ﷺ: "The Prophet ﷺ used to stay with Zainab bint Jahsh and drink honey at her house. Hafsah and I agreed that if the Prophet ﷺ came to either of us, she would say: 'I detect the smell of *Maghâfir* (a nasty-smelling gum) on you; have you eaten *Maghâfir*?' He came to one of them and she said that to him. He said: 'No, rather I drank honey at the house of Zainab bint Jahsh, but I will never do it again.' Then the following was revealed: 'O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you.'[1] 'If you two turn in repentance to Allâh, (it will be better for you).'[2] addressing 'Âishah and Hafsah; 'And

٣٤٥٠ - أَخْبَرَنَا قُتَيْبَةُ عَنْ حَجَّاجٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ: أَنَّهُ سَمِعَ عُبَيْدَ بْنَ عُمَيْرٍ قَالَ: سَمِعْتُ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ: أَنَّ النَّبِيَّ ﷺ كَانَ يَمْكُثُ عِنْدَ زَيْنَبَ وَيَشْرَبُ عِنْدَهَا عَسَلًا فَتَوَاصَيْتُ وَحَفْصَةُ أَيَّتُنَا مَا دَخَلَ [عَلَيْهَا] النَّبِيُّ ﷺ فَلْتَقُلْ: إِنِّي أَجِدُ مِنْكَ رِيحَ مَغَافِيرَ، فَدَخَلَ عَلَى إِحْدَاهُمَا فَقَالَتْ ذٰلِكَ لَهُ فَقَالَ: «بَلْ شَرِبْتُ عَسَلًا عِنْدَ زَيْنَبَ» وَقَالَ: «لَنْ أَعُودَ لَهُ» فَنَزَلَ ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ لِمَ تُحَرِّمُ مَآ أَحَلَّ ٱللَّهُ لَكَ﴾ ﴿إِن تَتُوبَآ إِلَى ٱللَّهِ﴾ لِعَائِشَةَ وَحَفْصَةَ ﴿وَإِذْ أَسَرَّ ٱلنَّبِيُّ إِلَىٰ بَعْضِ أَزْوَٰجِهِۦ حَدِيثًا﴾ [التحريم: ٣] لِقَوْلِهِ بَلْ شَرِبْتُ عَسَلًا. كُلُّهُ فِي حَدِيثِ عَطَاءٍ.

[1] *At-Tahrîm* 66:1.
[2] *At-Tahrîm* 66:4.

(remember) when the Prophet disclosed a matter in confidence to one of his wives.'[1] refers to him saying: "No, rather I drank honey." (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، الأيمان والنذور، باب: إذا حرم طعامًا ... إلخ، ح: ٦٦٩١، ومسلم، الطلاق، باب وجوب الكفارة على من حرم امرأته ولم ينو الطلاق، ح: ١٤٧٤ من حديث حجاج بن محمد به، وهو في الكبرى، ح: ٥٦١٤.

Comments:

For details, See *Ḥadîth* 3410.

Chapter 18. "Go to your family" Does Not Necessarily Mean Divorce

(المعجم ١٨) - **بَابٌ: الْحَقِي بِأَهْلِكِ وَلَا يُرِيدُ الطَّلَاقَ** (التحفة ١٨)

3451. & 3452. Ka'b bin Mâlik narrated the *Ḥadîth* about when he stayed behind, and did not join the Messenger of Allâh ﷺ on the expedition to Tabûk. He told the story, and said: "The envoy of the Messenger of Allâh ﷺ came to me and said: 'The Messenger of Allâh ﷺ commands you to stay away from your wife.' I said: 'Shall I divorce her or what?' He said: 'No, just keep away from her and do not approach her.' I said to my wife: 'Go to your family and stay with them until Allâh, the Mighty and Sublime, decides concerning this matter.'" (*Ṣaḥîḥ*)

٣٤٥١، ٣٤٥٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمِ ابْنِ نُعَيْمٍ - مِصِّيصِيٌّ - قَالَ: حَدَّثَنَا مُحَمَّدُ ابْنُ مَكِّيِّ ابْنِ عِيسَى قَالَ: حَدَّثَنَا عَبْدُ اللهِ قَالَ: حَدَّثَنَا يُونُسُ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ عَبْدِ اللهِ بْنِ كَعْبِ بْنِ مَالِكٍ قَالَ: سَمِعْتُ كَعْبَ بْنَ مَالِكٍ يُحَدِّثُ حَدِيثَهُ حِينَ تَخَلَّفَ عَنْ رَسُولِ اللهِ ﷺ فِي غَزْوَةِ تَبُوكَ وقَالَ فِيهِ: إِذَا رَسُولُ [رَسُولِ] اللهِ ﷺ يَأْتِينِي فَقَالَ: إِنَّ رَسُولَ اللهِ ﷺ؛ ح وَأَخْبَرَنِي سُلَيْمَانُ بْنُ دَاوُدَ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ يُونُسَ: قَالَ ابْنُ شِهَابٍ: أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ ابْنِ كَعْبِ بْنِ مَالِكٍ أَنَّ عَبْدَ اللهِ بْنَ كَعْبِ بْنِ مَالِكٍ قَالَ: سَمِعْتُ كَعْبَ بْنَ مَالِكٍ يُحَدِّثُ حَدِيثَهُ حِينَ تَخَلَّفَ عَنْ رَسُولِ اللهِ ﷺ فِي غَزْوَةِ تَبُوكَ، وَسَاقَ قِصَّتَهُ وَقَالَ: إِذَا رَسُولُ رَسُولِ اللهِ ﷺ يَأْتِي فَقَالَ: إِنَّ رَسُولَ اللهِ ﷺ يَأْمُرُكَ أَنْ تَعْتَزِلَ امْرَأَتَكَ فَقُلْتُ: أُطَلِّقُهَا أَمْ

[1] *At-Taḥrîm* 66:3.

مَاذَا؟ قَالَ: لَا، بَلِ اعْتَزِلْهَا فَلَا تَقْرَبْهَا، فَقُلْتُ لِامْرَأَتِي: الْحَقِي بِأَهْلِكِ فَكُونِي عِنْدَهُمْ حَتَّى يَقْضِيَ اللهُ عَزَّ وَجَلَّ فِي هٰذَا الْأَمْرِ.

تخريج: [صحيح] أخرجه أحمد: ٣/ ٤٥٦ من حديث عبدالله بن المبارك، بالسند الأول، والبخاري، ح: ٣٨٨٩، ومسلم، التوبة، ح: ٢٧٦٩/ ٥٣ من حديث يونس به، كما تقدم، ح: ٧٣٢، وهو في الكبرٰى، ح: ٥٦١٥.

Comments:

If the unequivocal term divorce is uttered, it would invariably signify divorce, whether it was intended or not. But there are certain statements which could be meant to signify divorce. At the same time some other meanings could also be meant.

3453. 'Abdur-Raḥmân bin 'Abdullâh bin Ka'b bin Mâlik narrated that his father said: "I heard my father Ka'b bin Mâlik – who was one of the three whose repentance was accepted – say: 'The Messenger of Allâh ﷺ sent word to me and to my two companions saying: The Messenger of Allâh ﷺ commands you to keep away from your wives. I said to his envoy: Shall I divorce my wife, or what should I do? He said: No, just keep away from her, and do not approach her. I said to my wife: Go to your family and stay with them. So she went to them.'" (*Ṣaḥîḥ*)

٣٤٥٣ - أَخْبَرَنِي مُحَمَّدُ بْنُ جَبَلَةَ وَمُحَمَّدُ ابْنُ يَحْيَى بْنِ مُحَمَّدٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ مُوسَى بْنِ أَعْيَنَ قَالَ: حَدَّثَنَا أَبِي عَنْ إِسْحَاقَ ابْنِ رَاشِدٍ، عَنِ الزُّهْرِيِّ: أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ بْنِ كَعْبِ بْنِ مَالِكٍ عَنْ أَبِيهِ قَالَ: سَمِعْتُ أَبِي كَعْبَ بْنَ مَالِكٍ قَالَ - وَهُوَ أَحَدُ الثَّلَاثَةِ الَّذِينَ تِيبَ عَلَيْهِمْ - يُحَدِّثُ قَالَ: أَرْسَلَ إِلَيَّ رَسُولُ اللهِ ﷺ وَإِلَى صَاحِبَيَّ أَنَّ رَسُولَ اللهِ ﷺ يَأْمُرُكُمْ أَنْ تَعْتَزِلُوا نِسَاءَكُمْ، فَقُلْتُ لِلرَّسُولِ: أُطَلِّقُ امْرَأَتِي أَمْ مَاذَا أَفْعَلُ؟ قَالَ: لَا، بَلْ تَعْتَزِلُهَا فَلَا تَقْرَبْهَا، فَقُلْتُ لِامْرَأَتِي: الْحَقِي بِأَهْلِكِ فَكُونِي فِيهِمْ فَلَحِقَتْ بِهِمْ.

تخريج: [صحيح] من حديث الزهري به (انظر الحديث السابق)، وهو في الكبرٰى، ح: ٥٦١٦.

Comments:

1. 'Do not approach her' means do not copulate with her, etc. Talking to the wife was not forbidden. But Ka'b was concerned that in the event of staying near her, he might engage in sexual intercourse with her etc. He, therefore, asked his wife to go to her parent's house.
2. 'Those whose repentance was accepted': Going to the Campaign of Tabûk

had become an individual obligatory duty. Hence, those who did not participate were interrogated. The hypocrites saved face by telling lies, but became the fuel of Hellfire. Three sincere Muslims had also stayed back slothfully. They admitted their mistake. They did not contrive any excuse, and surrendered themselves to the Messenger of Allâh ﷺ. Allâh's Messenger ﷺ commanded the community to shun them. No one greeted or until the earth, despite all its vastness, had become too narrow for them, and their souls had become utterly constricted - but they remained loyal to the Messenger of Allâh ﷺ. Finally, after fifty days, the revelation of the acceptance of their repentance descended, and their ordeal ended. These venerable personages became the dwellers of Paradise by undergoing the most severe hardship. Their names are Ka'b bin Mâlik, Murah bin Rabi'a, and Hilal bin Umayyah - May Allâh be pleased with them all. May Allâh shower His mercy upon them.

3454. 'Abdur-Raḥmân bin 'Abdullâh bin Ka'b bin Mâlik narrated that 'Abdullâh bin Ka'b said: "I heard Ka'b narrate the *Ḥadîth* about when he stayed behind and did not join the Messenger of Allâh ﷺ on the expedition to Tabûk. He said: 'The envoy of the Messenger of Allâh ﷺ came to me and said: "The Messenger of Allâh ﷺ commands you to keep away from your wife." I said: "Shall I divorce her, or what should I do?" He said: "No, just keep away from her and do not approach her." And he sent similar instructions to my two companions. I said to my wife: "Go to your family and stay with them until Allâh, the Mighty and Sublime, decides concerning this matter." They were contradicted by Ma'qil bin 'Ubaidullâh:[1] (*Saḥîḥ*)

٣٤٥٤ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا اللَّيْثُ ابْنُ سَعْدٍ قَالَ: حَدَّثَنِي عُقَيْلٌ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ بْنِ كَعْبِ بْنِ مَالِكٍ أَنَّ عَبْدَ اللهِ بْنَ كَعْبٍ قَالَ: سَمِعْتُ كَعْبًا يُحَدِّثُ حَدِيثَهُ حِينَ تَخَلَّفَ عَنْ رَسُولِ اللهِ ﷺ فِي غَزْوَةِ تَبُوكَ وَقَالَ فِيهِ: إِذَا رَسُولُ رَسُولِ اللهِ ﷺ يَأْتِينِي وَيَقُولُ: إِنَّ رَسُولَ اللهِ ﷺ يَأْمُرُكَ أَنْ تَعْتَزِلَ امْرَأَتَكَ، فَقُلْتُ: أُطَلِّقُهَا أَمْ مَاذَا أَفْعَلُ؟ قَالَ: بَلِ اعْتَزِلْها وَلَا تَقْرَبْهَا، وَأَرْسَلَ إِلَى صَاحِبَيَّ بِمِثْلِ ذٰلِكَ، فَقُلْتُ لِامْرَأَتِي: الْحَقِي بِأَهْلِكِ وَكُونِي عِنْدَهُمْ حَتَّى يَقْضِيَ اللهُ عَزَّ وَجَلَّ فِي هٰذَا الْأَمْرِ. خَالَفَهُمْ مَعْقِلُ بْنُ عُبَيْدِ اللّٰهِ.

تخريج: [صحيح] انظر الحديث السابق، وهذا طرف منه، أخرجه أحمد:٣/٤٥٩ عن حجاج به، وهو في الكبرٰى، ح:٥٦١٧ .

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[1] He contradicted Yûnus bin Yazîd Al-Ailî, Isḥâq bin Râshid and 'Uqail bin Khâlid – all of whom reported from Az-Zuhrî, from 'Abdur-Raḥmân bin 'Abdullâh, from 'Abdullâh, from Ka'b bin Mâlik. Ma'qil mentioned Az-Zuhrî, from 'Abdur-Raḥmân from 'Ubaidullâh, from Ka'b bin Mâlik.

3455. It was narrated from Ma'qil, from Az-Zuhrî who said: "Abdur-Raḥmân bin 'Abdullâh bin Ka'b narrated that his paternal uncle 'Ubaidullâh bin Ka'b said: 'I heard my father Ka'b say: The Messenger of Allâh ﷺ sent word to me and my two companions saying: The Messenger of Allâh ﷺ commands you to keep away from your wives. I said to the envoy: Should I divorce my wife, or what should I do? He said: No, just keep away from her and do not come near her. I said to my wife: Go to your family and stay with them until Allâh, the Mighty and Sublime, decides (concerning me). So she went to them." (*Ṣaḥîḥ*)

٣٤٥٥ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ مَعْدَانَ بْنِ عِيسَى قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ قَالَ: حَدَّثَنَا مَعْقِلٌ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ بْنِ كَعْبٍ عَنْ عَمِّهِ عُبَيْدِ اللهِ بْنِ كَعْبٍ قَالَ: سَمِعْتُ أَبِي كَعْبًا يُحَدِّثُ قَالَ: أَرْسَلَ إِلَيَّ رَسُولُ اللهِ ﷺ وَإِلَى صَاحِبَيَّ أَنَّ رَسُولَ اللهِ ﷺ يَأْمُرُكُمْ أَنْ تَعْتَزِلُوا نِسَاءَكُمْ، فَقُلْتُ لِلرَّسُولِ: أُطَلِّقُ امْرَأَتِي أَمْ مَاذَا أَفْعَلُ؟ قَالَ: لَا، بَلْ تَعْتَزِلُهَا وَلَا تَقْرَبْهَا، فَقُلْتُ لِامْرَأَتِي: الْحَقِي بِأَهْلِكِ فَكُونِي فِيهِمْ حَتَّى يَقْضِيَ اللهُ عَزَّ وَجَلَّ، فَلَحِقَتْ بِهِمْ. خَالَفَهُ مَعْمَرٌ.

تخريج: [**صحيح**] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٥٦١٨ .

3456. It was narrated from 'Abdur-Raḥmân bin Ka'b bin Mâlik that his father said: "The envoy of the Messenger of Allâh ﷺ came to me and said: 'Keep away from your wife.' I said: 'Should I divorce her?' He said: 'No, but do not approach her.'" And he (the narrator) did not mention (the words): "Go to your family." (*Ṣaḥîḥ*)

٣٤٥٦ - **أَخْبَرَنِي** مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا مُحَمَّدٌ - وَهُوَ ابْنُ ثَوْرٍ بَصْرِيٌّ - عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ الرَّحْمٰنِ ابْنِ كَعْبِ بْنِ مَالِكٍ، عَنْ أَبِيهِ قَالَ فِي حَدِيثِهِ: إِذَا رَسُولٌ مِنَ النَّبِيِّ ﷺ قَدْ أَتَانِي فَقَالَ: اعْتَزِلِ امْرَأَتَكَ، فَقُلْتُ: أُطَلِّقُهَا؟ قَالَ: لَا، وَلٰكِنْ لَا تَقْرَبْهَا. وَلَمْ يَذْكُرْ فِيهِ: الْحَقِي بِأَهْلِكِ.

تخريج: [**صحيح**] أخرجه أحمد:٦/ ٣٨٩ من حديث معمر به، وهو في الكبرٰى، ح:٥٦١٩، وانظر الحديث السابق والذين قبله.

Chapter 19. Divorce Of A Slave

(المعجم ١٩) - **بَابُ طَلَاقِ الْعَبْدِ**

(التحفة ١٩)

3457. It was narrated from 'Umar bin Mu'attib that Abû Ḥasan, the

٣٤٥٧ - **أَخْبَرَنَا** عَمْرُو بْنُ عَلِيٍّ قَالَ:

freed slave of Banu Nawfal, said: "My wife and I were slaves, and I divorced her twice, then we were both set free. I asked Ibn 'Abbâs and he said: 'If you take her back, you have two divorces left. This is how the Messenger of Allâh ﷺ ruled.'" (*Da'îf*)

Ma'mar contridicted him.[1]

سَمِعْتُ يَحْيَى قَالَ: حَدَّثَنَا عَلِيُّ بْنُ الْمُبَارَكِ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ عُمَرَ بْنِ مُعَتِّبٍ: أَنَّ أَبَا حَسَنٍ مَوْلَى بَنِي نَوْفَلٍ أَخْبَرَهُ قَالَ: كُنْتُ أَنَا وَامْرَأَتِي مَمْلُوكَيْنِ فَطَلَّقْتُهَا تَطْلِيقَتَيْنِ ثُمَّ أُعْتِقْنَا جَمِيعًا فَسَأَلْتُ ابْنَ عَبَّاسٍ، فَقَالَ: إِنْ رَاجَعْتَهَا كَانَتْ عِنْدَكَ عَلَى وَاحِدَةٍ، قَضَى بِذٰلِكَ رَسُولُ اللهِ ﷺ. خَالَفَهُ مَعْمَرٌ.

تخريج: [إسناده ضعيف] أخرجه أبو داود، الطلاق، باب: في سنة طلاق العبد، ح:٢١٨٧ من حديث يحيى بن سعيد القطان به، وهو في الكبرٰى، ح:٥٦٢٠ * عمر بن معتب ضعيف كما في التقريب وغيره ويدل السند علٰى أن يحيى بن أبي كثير كان يروي عن الضعفاء أيضًا.

Comments:

A free man has three pronouncements of divorce, but a slave has two. The transmitter of this *Hadîth* had already given two divorces when he was still a slave. But both of them were freed during the period of waiting. The freedom invested him with the right to the third pronouncement of divorce. Hence, he had the privilege of returning and contracting a new marriage upon the expiration of the period of waiting.

3458. It was narrated that Abû Al-Hasan, the freed slave of Banu Nawfal, said: "Ibn 'Abbâs was asked about a slave who divorced his wife twice, then they were set free; could he marry her? He said: 'Yes.' He said: 'From whom (did you hear that)?' He said: 'The Messenger of Allâh ﷺ issued a *Fatwa* to that effect.'" (*Da'îf*)

(One of the narrators) 'Abdur-Razzâq said: "Ibn Al-Mubârak said to Ma'mar: 'Which Al-Hasan is this?' He has taken on a heavy burden.'"

٣٤٥٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنِي مَعْمَرٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عُمَرَ بْنِ مُعَتِّبٍ، عَنْ أَبِي الْحَسَنِ مَوْلَى بَنِي نَوْفَلٍ قَالَ: سُئِلَ ابْنُ عَبَّاسٍ عَنْ عَبْدٍ طَلَّقَ امْرَأَتَهُ تَطْلِيقَتَيْنِ ثُمَّ عُتِقَا أَيَتَزَوَّجُهَا؟ قَالَ: نَعَمْ، قَالَ: عَمَّنْ؟ قَالَ: أَفْتَى بِذٰلِكَ رَسُولُ اللهِ ﷺ، قَالَ عَبْدُ الرَّزَّاقِ: قَالَ ابْنُ الْمُبَارَكِ لِمَعْمَرٍ: الْحَسَنُ هٰذَا مَنْ هُوَ؟ لَقَدْ حَمَلَ صَخْرَةً عَظِيمَةً.

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الطلاق، باب من طلق أمةً تطليقتين ثم

[1] That is 'Alî bin Al-Mubârak.

اشتراها، ح:٢٠٨٢ من حديث عبدالرزاق به، وانظر الحديث السابق، وهو في الكبرٰى، ح:٥٦٢١.

Comments:

'A heavy burden;' meaning by narrating this, which supports a view that was not popular.

Chapter 20. When Does The Divorce Of A Boy Count?

(المعجم ٢٠) - **بَابٌ: مَتَى يَقَعُ طَلَاقُ الصَّبِيِّ** (التحفة ٢٠)

3459. It was narrated that Kathîr bin As-Sâ'ib said: "The sons of Quraizah told me that they were presented to the Messenger of Allâh ﷺ on the Day of Quraizah, and whoever (among them) had reached puberty, or had grown pubic hair, was killed, and whoever had not reached puberty and had not grown pubic hair was left (alive)." (*Sahîh*)

٣٤٥٩ - أَخْبَرَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا أَسَدُ بْنُ مُوسَى قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ أَبِي مَعْمَرٍ الْخَطْمِيِّ، عَنْ عُمَارَةَ بْنِ خُزَيْمَةَ، عَنْ كَثِيرِ بْنِ السَّائِبِ قَالَ: حَدَّثَنِي أَبْنَاءُ قُرَيْظَةَ: أَنَّهُمْ عُرِضُوا عَلَى رَسُولِ اللهِ ﷺ يَوْمَ قُرَيْظَةَ فَمَنْ كَانَ مُحْتَلِمًا أَوْ نَبَتَتْ عَانَتُهُ قُتِلَ، وَمَنْ لَمْ يَكُنْ مُحْتَلِمًا أَوْ لَمْ تَنْبُتْ عَانَتُهُ تُرِكَ.

تخريج: [صحيح] أخرجه أحمد:٤/٢٤١، ٥/٣٧٢ بإسناد صحيح عن كثير به، وهو في الكبرٰى، ح:٥٦٢٢، وانظر الحديث الآتي.

Comments:

1. Banu Quraizah was a Jewish clan which had entered an allegiance of loyalty with the Muslims. But on the fragile occasion of the Battle of Trench, they allied with the pagan Quraish and indulged an internal rebellion. When the Battle of Trench ended, Allâh's Messenger ﷺ besieged Banu Quraizah so that they could be punished for their rebellion. Hence, he ﷺ handed over the verdict into the hands of Sa'd bin Mu'az. He returned the verdict that all their adults would be killed and the minors would be taken captive.
2. The purpose of mentioning this narration under this chapter is to demonstrate that the prescribed legal punishment is not implemented upon a non-adult or minor; hence, his pronouncement of divorce would not be valid. He may divorce on reaching the age of puberty.
3. There are three signs of puberty: wet dreams, pubic hair, or when one reaches the age of fifteen years. Since it is difficult to determine the exact age in males, other signs are evidence. They will, therefore, be relied upon.

3460. It was narrated that 'Atiyyah Al-Qurazî said: "On the day that Sa'd passed judgment on Banu

٣٤٦٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ

Quraizah I was a young boy and they were not sure about me, but they did not find any pubic hair, so they let me live, and here I am among you." (*Sahîh*)

عَطِيَّةَ الْقُرَظِيِّ قَالَ: كُنْتُ يَوْمَ حُكْمِ سَعْدٍ فِي بَنِي قُرَيْظَةَ غُلَامًا فَشَكُّوا فِيَّ فَلَمْ يَجِدُونِي أَنْبَتُّ فَاسْتُبْقِيتُ، فَهَا أَنَا ذَا بَيْنَ أَظْهُرِكُمْ.

تخريج: [صحيح] أخرجه ابن ماجه، الحدود، باب من لا يجب عليه الحد، ح:٢٥٤٢ من حديث سفيان بن عيينة به، وصرح بالسماع، وتابعه سفيان الثوري، وهو في الكبرى، ح:٥٦٢٣، وصححه ابن الجارود، ح:١٠٤٥، وابن حبان، ح:١٤٩٩،١٥٠١ .

3461. It was narrated from Ibn 'Umar that he presented himself to the Messenger of Allâh ﷺ on the Day of Uhud when he was fourteen years old, but he did not permit him (to join the army). He presented himself on the Day of Al-Khandaq when he was fifteen years old, and he permitted him (to join the army). (*Sahîh*)

٣٤٦١ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللهِ قَالَ: أَخْبَرَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ عَرَضَهُ يَوْمَ أُحُدٍ وَهُوَ ابْنُ أَرْبَعَ عَشْرَةَ سَنَةً فَلَمْ يُجِزْهُ، وَعَرَضَهُ يَوْمَ الْخَنْدَقِ وَهُوَ ابْنُ خَمْسَ عَشْرَةَ سَنَةً فَأَجَازَهُ.

تخريج: أخرجه البخاري، المغازي، باب غزوة الخندق وهي الأحزاب، ح:٤٠٩٧ من حديث يحيى بن سعيد القطان به، وهو في الكبرى، ح:٥٦٢٤.

Comments:

In government official documents, a boy of the age of fifteen years would be recorded as an adult, and less than that a minor. This is because governments do keep records of birth, etc.

Chapter 21. The Husband Whose Divorce Is Not Valid

(المعجم ٢١) - **بَابُ مَنْ لَا يَقَعُ طَلَاقُهُ مِنَ الْأَزْوَاجِ** (التحفة ٢١)

3462. It was narrated from 'Âishah that the Prophet ﷺ said: "The pen has been lifted from three: From the sleeper until he wakes up, from the minor until he grows up, and from the insane until he comes back to his senses or recovers." (*Hasan*)

٣٤٦٢ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ بْنُ مَهْدِيٍّ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «رُفِعَ الْقَلَمُ عَنْ ثَلَاثٍ: عَنِ النَّائِمِ حَتَّى يَسْتَيْقِظَ، وَعَنِ الصَّغِيرِ حَتَّى يَكْبُرَ، وَعَنِ الْمَجْنُونِ حَتَّى يَعْقِلَ أَوْ يُفِيقَ».

تخريج: [حسن] أخرجه ابن ماجه، الطلاق، باب طلاق المعتوه والصغير والنائم، ح:٢٠٤١ من حديث ابن مهدي به، وهو في الكبرٰى، ح:٥٦٢٥، وصححه ابن حبان، ح:١٤٩٦، والحاكم علٰى شرط مسلم:٢/ ٥٩، ووافقه الذهبي، وللحديث شواهد عند أبي داود، ح:٤٤٠٠ وغيره.

Chapter 22. The One Who Utters A Divorce To Himself (Without Uttering The Words Loudly)

(المعجم ٢٢) - **بَابُ مَنْ طَلَّقَ فِي نَفْسِهِ** (التحفة ٢٢)

3463. It was narrated from Abû Hurairah that – (one of the narrators) 'Abdur-Raḥmân said: "The Messenger of Allâh ﷺ – said: 'Allâh, the Most High, has forgiven my *Ummah* for everything that enters the mind, so long as it is not spoken of or put into action.'" (*Ṣaḥîḥ*)

٣٤٦٣ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ الْحَسَنِ وَعَبْدُ الرَّحْمٰنِ بْنُ مُحَمَّدِ بْنِ سَلَّامٍ قَالَا: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ، - قَالَ عَبْدُ الرَّحْمٰنِ: عَنْ رَسُولِ اللهِ ﷺ - قَالَ: «إِنَّ اللهَ تَعَالَى تَجَاوَزَ عَنْ أُمَّتِي كُلَّ شَيْءٍ حَدَّثَتْ بِهِ أَنْفُسَهَا مَا لَمْ تَكَلَّمْ بِهِ أَوْ تَعْمَلْ».

تخريج: [إسناده صحيح] وهو في الكبرٰى، ح:٥٦٢٦، وصححه ابن حبان، ح:١٤٩٨، وللحديث شواهد عند البخاري، ومسلم، والحاكم:٢/ ١٩٨ وغيرهم.

3464. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Allâh, the Mighty and Sublime, has forgiven my *Ummah* for what is whispered to them or what enters their minds, so long as they do not act upon it or speak of it.'" (*Ṣaḥîḥ*)

٣٤٦٤ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ مِسْعَرٍ، عَنْ قَتَادَةَ، عَنْ زُرَارَةَ بْنِ أَوْفَى، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ اللهَ عَزَّ وَجَلَّ تَجَاوَزَ لِأُمَّتِي مَا وَسْوَسَتْ بِهِ وَحَدَّثَتْ بِهِ أَنْفُسَهَا مَا لَمْ تَعْمَلْ أَوْ تَكَلَّمْ بِهِ».

تخريج: أخرجه البخاري، العتق، باب الخطأ والنسيان في العتاقة والطلاق ونحوه . . . إلخ، ح:٢٥٢٨، ومسلم، الإيمان، باب تجاوز الله عن حديث النفس والخواطر بالقلب إذا لم تستقر، ح:١٢٧/ ٢٠٢ من حديث مسعر بن كدام به، وهو في الكبرٰى، ح:٥٦٢٧، ورواه يونس بن عبيد عن زرارة به (أبو يعلى، ح:٦٣٩٠).

3465. It was narrated from Abû Hurairah that the Prophet ﷺ said: "Allâh, the Most High, has forgiven my *Ummah* for whatever

٣٤٦٥ - أَخْبَرَنِي مُوسَى بْنُ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا حُسَيْنٌ الْجُعْفِيُّ عَنْ زَائِدَةَ، عَنْ شَيْبَانَ، عَنْ قَتَادَةَ، عَنْ زُرَارَةَ بْنِ أَوْفَى، عَنْ

enters the mind, so long as it is not spoken of or put into action." (*Sahîh*)

أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ اللهَ تَعَالَى تَجَاوَزَ لِأُمَّتِي عَمَّا حَدَّثَتْ بِهِ أَنْفُسَهَا مَا لَمْ تَكَلَّمْ أَوْ تَعْمَلْ بِهِ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٥٦٢٨.

Chapter 23. Divorce With A Clear Gesture

(المعجم ٢٣) - الطَّلَاقُ بِالْإِشَارَةِ الْمَفْهُومَةِ (التحفة ٢٣)

3466. It was narrated that Anas said: "The Messenger of Allâh ﷺ had a Persian neighbor who was good at making soup. He came to the Messenger of Allâh ﷺ one day when 'Âishah was with him, and gestured to him with his hand to come. The Messenger of Allâh ﷺ gestured toward 'Âishah – meaning: 'What about her?' – and the man gestured to him like this, meaning, 'No,' two or three times." (*Sahîh*)

٣٤٦٦ - أَخْبَرَنَا أَبُو بَكْرِ بْنُ نَافِعٍ قَالَ: حَدَّثَنَا بَهْزٌ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسٍ قَالَ: كَانَ لِرَسُولِ اللهِ ﷺ جَارٌ فَارِسِيٌّ طَيِّبُ الْمَرَقَةِ، فَأَتَى رَسُولَ اللهِ ﷺ ذَاتَ يَوْمٍ وَعِنْدَهُ عَائِشَةُ، فَأَوْمَأَ إِلَيْهِ بِيَدِهِ أَنْ: تَعَالَ، وَأَوْمَأَ رَسُولُ اللهِ ﷺ إِلَى عَائِشَةَ - أَيْ: وَهٰذِهِ - فَأَوْمَأَ إِلَيْهِ الْآخَرُ هٰكَذَا بِيَدِهِ أَنْ: لَا مَرَّتَيْنِ أَوْ ثَلَاثًا.

تخريج: أخرجه مسلم، الأشربة، باب ما يفعل الضيف إذا تبعه غير من دعاه صاحب الطعام ... إلخ، ح:٢٠٣٧ من حديث حماد بن سلمة به، وهو في الكبرٰى، ح:٥٦٢٩ * بهز هو ابن أسد العمي، وأبوبكر هو محمد بن أحمد بن نافع العبدي.

Comments:

The speech-impaired also might need to divorce. But since they can communicate by gestures only, the gesticulation ought to be held reliable. The gesture, however, should be clear so that the intention or the implicit meaning is unmistakably comprehended.

Chapter 24. Speaking When One Means What The Words Appear To Mean

(المعجم ٢٤) - بَابُ الْكَلَامِ إِذَا قَصَدَ بِهِ فِيمَا يَحْتَمِلُهُ مَعْنَاهُ (التحفة ٢٤)

3467. It was narrated that 'Umar bin Al-Khattâb, may Allâh be pleased with him, said that the Messenger of Allâh ﷺ said: "Actions are but by intentions, and each man will have but that which he intended. Whoever emigrated for the sake of

٣٤٦٧ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ قَالَ: حَدَّثَنَا مَالِكٌ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: أَخْبَرَنِي مَالِكٌ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ

Allâh and His Messenger, his emigration was for the sake of Allâh and His Messenger, and whoever emigrated for the sake of some worldly gain or to marry some woman, his emigration was for that for which he emigrated." (*Ṣaḥîḥ*)

عَلْقَمَةَ بْنِ وَقَّاصٍ، عَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللهُ عَنْهُ، وَفِي [حَدِيثِ] الْحَارِثِ: أَنَّهُ سَمِعَ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّمَا الْأَعْمَالُ بِالنِّيَّةِ، وَإِنَّمَا لِامْرِئٍ مَا نَوَى، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللهِ وَرَسُولِهِ فَهِجْرَتُهُ إِلَى اللهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ إِلَى الدُّنْيَا يُصِيبُهَا أَوِ امْرَأَةٍ يَتَزَوَّجُهَا فَهِجْرَتُهُ إِلَى مَا هَاجَرَ إِلَيْهِ».

تخريج: [صحيح] تقدم، ح:٧٥، وهو في الكبرى، ح:٥٦٣٠.

Comments:

The purpose of Imâm An-Nasâ'î is that when someone utters a word which bears the possibility of divorcing and also some other connotation, then the divorce would be considered to have been effected only when the speaker had intended it. Otherwise the divorce would be considered ineffective. For instance, somebody tells his wife, "Go away from my house." (This *Ḥadîth* has preceded in detail earlier - see *Ḥadîth* 75).

Chapter 25. Saying Something, And Intending Something Other Than The Apparent Meaning, Carries No Weight

(المعجم ٢٥) - **بَابُ الْإِبَانَةِ وَالْإِفْصَاحِ بِالْكَلِمَةِ الْمَلْفُوظِ بِهَا إِذَا قَصَدَ بِهَا لِمَا لَا يَحْتَمِلُهُ مَعْنَاهَا لَمْ تُوجِبْ شَيْئًا وَلَمْ تُثْبِتْ حُكْمًا** (التحفة ٢٥)

3468. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: "Look at how Allâh diverts the insults and curses of Quraish from me. They insult *'Mudhammam'*[1] and curse *'Mudhammam'* – but I am Muḥammad." (*Ṣaḥîḥ*)

٣٤٦٨ - أَخْبَرَنَا عِمْرَانُ بْنُ بَكَّارٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ عَيَّاشٍ قَالَ: حَدَّثَنِي شُعَيْبٌ قَالَ: حَدَّثَنِي أَبُو الزِّنَادِ مِمَّا حَدَّثَهُ عَبْدُ الرَّحْمٰنِ الْأَعْرَجُ مِمَّا ذَكَرَ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يُحَدِّثُ عَنْ رَسُولِ اللهِ ﷺ قَالَ: وقال: «انْظُرُوا كَيْفَ يَصْرِفُ اللهُ عَنِّي شَتْمَ قُرَيْشٍ وَلَعْنَهُمْ، إِنَّهُمْ يَشْتِمُونَ مُذَمَّمًا وَيَلْعَنُونَ مُذَمَّمًا وَأَنَا مُحَمَّدٌ».

[1] *Mudhammam* was an offensive play on words, as *Mudhammam* means "blameworthy," the opposite of the meaning of the name "Muḥammad" (praiseworthy).

تخريج: أخرجه البخاري، المناقب، باب ماجاء في أسماء رسول الله ﷺ ... إلخ، ح:٣٥٣٣ من حديث أبي الزناد به، وهو في الكبرى، ح:٥٦٣١.

Comments:

When the Makkan Quraish failed in their plots, they would fume with indignation and abuse the Messenger of Allâh ﷺ. But while cursing and defaming, they would utter the word *Mudhammam* instead of Muhammad, because Muhammad signifies a person whom everyone praises. Therefore, they used to substitute the word Muhammad with *Mudhammam* (reprehensible) and would revile him. Thus, Allâh, Most High, saved the Prophet ﷺ from such abuse and maligning.

Chapter 26. Setting A Time Limit For Making A Choice

(المعجم ٢٦) - **بَابُ التَّوْقِيتِ فِي الْخِيَارِ** (التحفة ٢٦)

3469. It was narrated that 'Âishah, the wife of the Prophet ﷺ, said: "When the Messenger of Allâh ﷺ was commanded to give his wives the choice, he started with me and said: 'I am going to say something to you and you do not have to rush (to make a decision) until you consult your parents.'" She said: "He knew that my parents would never tell me to leave him." She said: "Then he recited this Verse: 'O Prophet! Say to your wives: If you desire the life of this world, and its glitter, then come! I will make a provision for you and set you free in a handsome manner.'[1] I said: 'Do I need to consult my parents concerning this? I desire Allâh, the Mighty and Sublime, and His Messenger, and the home of the Hereafter.'" 'Âishah said: "Then the wives of the Prophet ﷺ all did the same as I did, and that was not counted as a divorce, when the Messenger of Allâh ﷺ gave

٣٤٦٩ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنَا يُونُسُ بْنُ يَزِيدَ وَمُوسَى بْنُ عُلَيٍّ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمٰنِ أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ قَالَتْ: لَمَّا أُمِرَ رَسُولُ اللهِ ﷺ بِتَخْيِيرِ أَزْوَاجِهِ بَدَأَ بِي فَقَالَ: «إِنِّي ذَاكِرٌ لَكِ أَمْرًا فَلَا عَلَيْكِ أَنْ لَا تُعَجِّلِي حَتَّى تَسْتَأْمِرِي أَبَوَيْكِ» قَالَتْ: قَدْ عَلِمَ أَنَّ أَبَوَايَ لَمْ يَكُونَا لِيَأْمُرَانِّي بِفِرَاقِهِ، قَالَتْ: ثُمَّ تَلَا هٰذِهِ الْآيَةَ ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ قُل لِّأَزْوَٰجِكَ إِن كُنتُنَّ تُرِدْنَ ٱلْحَيَوٰةَ ٱلدُّنْيَا﴾ إِلَى قَوْلِهِ ﴿جَمِيلًا﴾ [الأحزاب:٢٨] فَقُلْتُ: أَفِي هٰذَا أَسْتَأْمِرُ أَبَوَيَّ؟ فَإِنِّي أُرِيدُ اللهَ عَزَّ وَجَلَّ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ. قَالَتْ عَائِشَةُ: ثُمَّ فَعَلَ أَزْوَاجُ النَّبِيِّ ﷺ مِثْلَ مَا فَعَلْتُ وَلَمْ يَكُنْ ذٰلِكَ حِينَ قَالَ لَهُنَّ رَسُولُ اللهِ ﷺ وَاخْتَرْنَهُ طَلَاقًا مِنْ أَجْلِ أَنَّهُنَّ اخْتَرْنَهُ.

[1] *Al-Ahzâb* 33:28.

them the choice and they chose him." (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح:٣٢٠٣، وهو في الكبرٰى، ح:٥٦٣٢.

Comments:

1. A husband may give the choice of divorce to his wife, saying: "If you so desire, you may be divorced." If the woman responds and says, "I want the divorce", the divorce would become effective. There is, however, a disagreement whether such a divorce would be revocable or irrevocable.
2. The purpose of the author in saying this is that it is not necessary that the woman should reply immediately upon being given the choice. If the husband fixes a time period, in that duration she can acquire the divorce. As the Messenger of Allâh ﷺ gave 'Âishah ؓ a respite that there is no harm if she does not respond at once, she might respond after consulting her parents. (See No. 3203).

3470. It was narrated that 'Âishah said: "When the following was revealed: 'But if you desire Allâh and His Messenger,'[1] the Prophet ﷺ came and started with me. He said: 'O 'Âishah, I am going to say something to you and you do not have to rush (to make a decision) until you consult your parents.'" She said: "He knew, by Allâh, that my parents would never tell me to leave him. Then he recited to me: 'O Prophet! Say to your wives: If you desire the life of this world, and its glitter.'"[2] "I said: 'Do I need to consult my parents concerning this? I desire Allâh and His Messenger.'" (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: This is a mistake, and the first is more worthy of being correct. And Allâh, Glorious is He and Most High, knows best.

٣٤٧٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ ثَوْرٍ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا نَزَلَتْ: ﴿وَإِن كُنتُنَّ تُرِدْنَ ٱللَّهَ وَرَسُولَهُۥ﴾ [الأحزاب: ٢٩] دَخَلَ عَلَيَّ النَّبِيُّ ﷺ بَدَأَ بِي فَقَالَ: «يَا عَائِشَةُ! إِنِّي ذَاكِرٌ لَكِ أَمْرًا فَلَا عَلَيْكِ أَنْ لَا تَعْجِّلِي حَتَّى تَسْتَأْمِرِي أَبَوَيْكِ» قَالَتْ: قَدْ عَلِمَ وَاللّٰهِ! أَنَّ أَبَوَيَّ لَمْ يَكُونَا لِيَأْمُرَانِّي بِفِرَاقِهِ، فَقَرَأَ عَلَيَّ: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ قُل لِّأَزْوَٰجِكَ إِن كُنتُنَّ تُرِدْنَ ٱلْحَيَوٰةَ ٱلدُّنْيَا وَزِينَتَهَا﴾ فَقُلْتُ: أَفِي هٰذَا أَسْتَأْمِرُ أَبَوَيَّ؟ فَإِنِّي أُرِيدُ اللّٰهَ وَرَسُولَهُ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا خَطَأٌ وَالْأَوَّلُ أَوْلَى بِالصَّوَابِ، وَاللّٰهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

تخريج: أخرجه مسلم، الطلاق، باب: في الإيلاء واعتزال النساء وتخييرهن . . . إلخ، ح:١٤٧٥ بعد، ح:١٤٧٩ من حديث معمر به، وعلقه البخاري، ح:٤٧٨٦، وهو في الكبرٰى، ح:٥٦٣٣.

[1] *Al-Aḥzâb* 33:29.
[2] *Al-Aḥzâb* 33:28.

Chapter 27. When A Woman Is Given The Choice And Chooses Her Husband

(المعجم ٢٧) - **بَابٌ: فِي الْمَخِيرَةِ تَخْتَارُ زَوْجَهَا** (التحفة ٢٧)

3471. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ gave us the choice and we chose him; was that a divorce?" (*Sahîh*)

٣٤٧١ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَى - وَهُوَ ابنُ سَعِيدٍ - عَنْ إِسْمَاعِيلَ، عَنْ عَامِرٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: خَيَّرَنَا رَسُولُ اللهِ ﷺ فَاخْتَرْنَاهُ فَهَلْ كَانَ طَلَاقًا؟.

تخريج: [صحيح] تقدم، ح:٣٢٠٥، وهو في الكبرٰى، ح:٥٦٣٤.

Comments:

This means the divorce does not become effective by granting.

3472. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ gave his wives the choice but that was not a divorce." (*Sahîh*)

٣٤٧٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَاصِمٍ قَالَ: قَالَ الشَّعْبِيُّ: عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: قَدْ خَيَّرَ رَسُولُ اللهِ ﷺ نِسَاءَهُ فَلَمْ يَكُنْ طَلَاقًا.

تخريج: [صحيح] تقدم، ح:٣٢٠٥، وهو في الكبرٰى، ح:٥٦٣٥.

3473. It was narrated from Masrûq that 'Âishah said: "The Prophet ﷺ gave his wives the choice and that was not a divorce." (*Sahîh*)

٣٤٧٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ بْنِ صُدْرَانَ عَنْ خَالِدِ بْنِ الْحَارِثِ قَالَ: حَدَّثَنَا أَشْعَثُ - وَهُوَ ابْنُ عَبْدِ الْمَلِكِ - عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: قَدْ خَيَّرَ النَّبِيُّ ﷺ نِسَاءَهُ فَلَمْ يَكُنْ طَلَاقًا.

تخريج: [صحيح] تقدم، ح:٣٢٠٥، وهو في الكبرٰى، ح:٥٦٣٦.

3474. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ gave his wives the choice; was that a divorce?" (*Sahîh*)

٣٤٧٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ سُلَيْمَانَ، عَنْ أَبِي الضُّحَى، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: قَدْ خَيَّرَ رَسُولُ اللهِ ﷺ نِسَاءَهُ أَفَكَانَ طَلَاقًا؟.

تخريج: [صحيح] تقدم، ح:٣٢٠٥، وهو في الكبرى، ح:٥٦٣٧.

3475. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ gave us the choice and we chose him, and that was not counted as anything." (*Sahîh*)

٣٤٧٥ - أَخْبَرَنِي عَبْدُ اللهِ بْنُ مُحَمَّدٍ الضَّعِيفُ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ قَالَ: حَدَّثَنَا الْأَعْمَشُ عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: خَيَّرَنَا رَسُولُ اللهِ ﷺ فَاخْتَرْنَاهُ فَلَمْ يَعُدَّهَا عَلَيْنَا شَيْئًا.

تخريج: [صحيح] تقدم، ح:٣٢٠٥، وهو في الكبرى، ح:٥٦٣٨.

Chapter 28. Choosing Which Of The Two Married Slaves To Free First

(المعجم ٢٨) - خِيَارُ الْمَمْلُوكَيْنِ يُعْتَقَانِ (التحفة ٢٨)

3476. It was narrated that Al-Qâsim bin Muhammad said: "Âishah had a male slave and a female slave. She said: 'I wanted to set them free, and I mentioned that to the Messenger of Allâh ﷺ. He said: Start with the male slave before the female slave.'" (*Hasan*)

٣٤٧٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا ابْنُ مَوْهَبٍ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ قَالَ: كَانَ لِعَائِشَةَ غُلَامٌ وَجَارِيَةٌ قَالَتْ: فَأَرَدْتُ أَنْ أُعْتِقَهُمَا فَذَكَرْتُ ذٰلِكَ لِرَسُولِ اللهِ ﷺ فَقَالَ: «ابْدَئِي بِالْغُلَامِ قَبْلَ الْجَارِيَةِ».

تخريج: [إسناده حسن] أخرجه ابن ماجه، العتق، باب من أراد عتق رجل وامرأته فليبدأ بالرجل، ح:٣٥٣٢ من حديث حماد بن مسعدة به، وهو في الكبرى، ح:٥٦٣٩ * عبيدالله بن عبدالرحمٰن بن موهب وثقه الجمهور، وقال ابن عدي: "حسن الحديث، يكتب حديثه".

Comments:

Emancipation enhances the status. Therefore, if a married slave woman is freed, and her husband is still a slave, the woman shall have the right to decide whether she would like to remain in the wedlock of a slave or not. If the husband is, however, a free man, the woman does not acquire this right after being freed. That is why Allâh's Messenger ﷺ had commanded her to set the husband free first, so that the woman might not terminate the marriage. Breaking the tie of marriage becomes the cause of many evils.

Chapter 29. Giving A Slave Woman The Choice

(المعجم ٢٩) - بَابُ خِيَارِ الْأَمَةِ (التحفة ٢٩)

3477. It was narrated that 'Âishah, the wife of the Prophet ﷺ, said: "Three *Sunan* were established

٣٤٧٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ رَبِيعَةَ، عَنِ

الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ قَالَتْ: كَانَ فِي بَرِيرَةَ ثَلَاثُ سُنَنٍ: إِحْدَى السُّنَنِ أَنَّهَا أُعْتِقَتْ فَخُيِّرَتْ فِي زَوْجِهَا، وَقَالَ رَسُولُ اللهِ ﷺ: «الْوَلَاءُ لِمَنْ أَعْتَقَ»، وَدَخَلَ رَسُولُ اللهِ ﷺ وَالْبُرْمَةُ تَفُورُ بِلَحْمٍ فَقُرِّبَ إِلَيْهِ خُبْزٌ وَأُدْمٌ مِنْ أُدْمِ الْبَيْتِ فَقَالَ رَسُولُ اللهِ ﷺ: «أَلَمْ أَرَ بُرْمَةً فِيهَا لَحْمٌ؟» فَقَالُوا: بَلَى! يَا رَسُولَ اللهِ! ذٰلِكَ لَحْمٌ تُصُدِّقَ بِهِ عَلَى بَرِيرَةَ وَأَنْتَ لَا تَأْكُلُ الصَّدَقَةَ، فَقَالَ رَسُولُ اللهِ ﷺ: «هُوَ عَلَيْهَا صَدَقَةٌ وَهُوَ لَنَا هَدِيَّةٌ».

because of Barîrah. One of those *Sunan* was that she was set free and was given the choice concerning her husband; the Messenger of Allâh ﷺ said: '*Al-Wala'* is to the one who set the slave free;' and the Messenger of Allâh ﷺ entered when some meat was being cooked in a pot, but bread and some condiments were brought to him. He said: 'Do I not see a pot in which some meat is being cooked?' They said: 'Yes, O Messenger of Allâh, that is meat that was given in charity to Barîrah and you do not eat (food given in) charity.' The Messenger of Allâh ﷺ said: 'It is charity for her and a gift for us.'" (***Ṣaḥîḥ***)

تخريج: أخرجه البخاري، النكاح، باب الحرة تحت العبد، ح:٥٠٩٧، ومسلم، العتق، باب بيان أن الولاء لمن أعتق، ح:١٥٠٤/ ١٤ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٥٦٢، والكبرٰى، ح: ٥٦٤٠ .

Comments:

1. 'She was given an option in regard to her husband' because her husband Mûgith was a slave. Barîrah had ended the marriage.
2. 'The right of inheritance of a slave (*Al-Walâ*)' means the right of the emancipator, which he has over his freed slave. Barîrah asked 'Âishah concerning her freedom. The owner consented to sell her, but began to demand the right of inheritance (*Al-Walâ*) for himself, although this right belongs to the emancipator who sets the captive free.
3. 'It is a gift for us': From this we understand that the thing which in itself is not contaminated or forbidden, its status may change. And the details regarding this are lengthy.

٣٤٧٨ - أَخْبَرَنِي مُحَمَّدُ بْنُ آدَمَ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ هِشَامٍ، عَنْ عَبْدِ الرَّحْمٰنِ ابْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ فِي بَرِيرَةَ ثَلَاثُ قَضِيَّاتٍ: أَرَادَ أَهْلُهَا أَنْ يَبِيعُوهَا وَيَشْتَرِطُوا الْوَلَاءَ، فَذَكَرْتُ ذٰلِكَ لِلنَّبِيِّ

3478. It was narrated that 'Âishah said: "Three judgments were established because of Barîrah. Her masters wanted to sell her but they stipulated that *Al-Wala*, should still be to them. I mentioned that to the Prophet ﷺ and he said: 'Buy her and set her free, for *Al-Wala*, is to

ﷺ فَقَالَ: «اشْتَرِيهَا وَأَعْتِقِيهَا فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ»، وَأُعْتِقَتْ فَخَيَّرَهَا رَسُولُ اللهِ ﷺ فَاخْتَارَتْ نَفْسَهَا، وَكَانَ يُتَصَدَّقُ عَلَيْهَا فَتُهْدِي لَنَا مِنْهُ فَذَكَرْتُ ذٰلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «كُلُوهُ فَإِنَّهُ عَلَيْهَا صَدَقَةٌ وَهُوَ لَنَا هَدِيَّةٌ».

the one who sets the slave free.' She was set free and the Messenger of Allâh ﷺ gave her the choice, and she chose herself.[1] And she used to be given charity and she would give some of it as a gift to us. I mentioned that to the Prophet ﷺ and he said: 'Eat it for it is charity for her and a gift for us.'" (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، ح:١٥٠٤/ ١٠ (انظر الحديث السابق) من حديث أبي معاوية الضرير، والبخاري، الهبة، باب قبول الهدية، ح:٢٥٧٨ من حديث عبدالرحمٰن بن القاسم به مطولاً ومختصرًا، وهو في الكبرٰى، ح:٥٦٤١ .

(المعجم ٣٠) - بَابُ خِيَارِ الأَمَةِ تُعْتَقُ وَزَوْجُهَا حُرٌّ (التحفة ٣٠)

Chapter 30. Giving The Choice To A Slave Woman Who Is Set Free And Whose Husband Is A Free Man

٣٤٧٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: اشْتَرَيْتُ بَرِيرَةَ فَاشْتَرَطَ أَهْلُهَا وَلَاءَهَا، فَذَكَرْتُ ذٰلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «أَعْتِقِيهَا فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْطَى الْوَرِقَ»، [قَالَتْ:] فَأَعْتَقْتُهَا فَدَعَاهَا رَسُولُ اللهِ ﷺ فَخَيَّرَهَا مِنْ زَوْجِهَا قَالَتْ: لَوْ أَعْطَانِي كَذَا وَكَذَا مَا أَقَمْتُ عِنْدَهُ فَاخْتَارَتْ نَفْسَهَا وَكَانَ زَوْجُهَا حُرًّا.

3479. It was narrated that 'Âishah said: "I bought Barîrah and her masters stipulated that her *Wala'* should go to them. I mentioned that to the Prophet ﷺ and he said: 'Set her free, and *Al-Wala'* is to the one who pays the silver.' So I set her free and the Messenger of Allâh ﷺ called her and gave her the choice concerning her husband. She said: 'Even if you gave me such and such, I would not stay with him,' so she chose herself and her husband was a free man." (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، العتق، باب بيع الولاء وهبته، ح:٢٥٣٦ من حديث جرير بن عبدالحميد، ومسلم، الزكاة، باب إباحة الهدية للنبي ﷺ ... إلخ، ح:١٠٧٥ من حديث إبراهيم النخعي به، وهو في الكبرٰى، ح:٥٦٤٢، وقوله: "كان زوجها حرًا" من قول الأسود، وهو شاذ.

Comments:

1. 'The one who pays' means the right of Al-Walâ' is for the one who buys and emancipates.

[1] Meaning, she did not want to go back to her husband who was still a slave.

2. 'Her husband was a free man': These are not the words of 'Âishah, but Aswad, who is a successor (*Tabi'i*) and he was not present on the occasion. A manifest clarification has been transmitted from 'Âishah and Ibn 'Abbâs that he was a slave.

3480. It was narrated from 'Âishah that she wanted to buy Barîrah, but her masters stipulated that her *Wala'* should go to them. She mentioned that to the Prophet ﷺ and he said: "Buy her and set her free, for *Al-Wala'* is to the one who sets the slave free." Some meat was brought and it was said: "This is some of that which was given in charity to Barîrah." He said: "It is charity for her and a gift for us." And the Messenger of Allâh ﷺ gave her the choice, and her husband was a free man. (*Sahîh*)

٣٤٨٠ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ عَنْ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا شُعْبَةُ عَنِ الْحَكَمِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ: أَنَّهَا أَرَادَتْ أَنْ تَشْتَرِيَ بَرِيرَةَ فَاشْتَرَطُوا وَلَاءَهَا، فَذَكَرَتْ ذٰلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «اشْتَرِيهَا وَأَعْتِقِيهَا فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ»، وَأُتِيَ بِلَحْمٍ فَقِيلَ: إِنَّ هٰذَا مِمَّا تُصُدِّقَ بِهِ عَلَى بَرِيرَةَ فَقَالَ: «هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ». وَخَيَّرَهَا رَسُولُ اللهِ ﷺ وَكَانَ زَوْجُهَا حُرًّا.

تخريج: [صحيح] تقدم، ح:٢٦١٥، وهو في الكبرٰى، ح:٥٦٤٣.

Comments:

(For details, see *Hadîth* 3476, 3477, and 3479)

Chapter 31. Giving The Choice To A Slave Woman Who Has Been Set Free And Whose Husband Is Still A Slave

(المعجم ٣١) - بَابُ خِيَارِ الأَمَةِ تُعْتَقُ وَزَوْجُهَا مَمْلُوكٌ (التحفة ٣١)

3481. It was narrated that 'Âishah said: "Barîrah made a contract[1] that she would be freed in return for nine *Awâq*, one *Uqiyyah* to be paid each year." She came to 'Âishah asking for help and she said: "No, not unless they agree to accept the sum in one payment, and that the *Wala'* will go to me." Barîrah went and spoke to her

٣٤٨١ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَاتَبَتْ بَرِيرَةُ عَلَى نَفْسِهَا بِتِسْعِ أَوَاقٍ فِي كُلِّ سَنَةٍ بِأُوقِيَّةٍ فَأَتَتْ عَائِشَةَ تَسْتَعِينُهَا فَقَالَتْ: لَا، إِلَّا أَنْ يَشَاءُوا أَنْ أَعُدَّهَا لهم عَدَّةً وَاحِدَةً وَيَكُونُ الْوَلَاءُ لِي، فَذَهَبَتْ بَرِيرَةُ فَكَلَّمَتْ فِي ذٰلِكَ أَهْلَهَا فَأَبَوْا

[1] *Kitâbah*; a writ of emancipation, when a price for freedom is agreed upon. The author has provided a sample of such in the section of contracts, in the Book of Agriculture, Chapter 48.

masters but they insisted that the *Wala'* should be for them. She came to 'Âishah and the Messenger of Allâh ﷺ came, and she told her what her masters had said. She said: "No, by Allâh, not unless *Wala'* is to me." The Messenger of Allâh ﷺ said: "What is this?" She said: "O Messenger of Allâh, Barîrah came to me and asked me to help her with her contract of manumission, and I said no, not unless they agree to accept the sum in one payment, and that the *Wala'* will be for me. She mentioned that to her masters and they insisted that the *Wala'* should be for them." The Messenger of Allâh ﷺ said: "Buy her, and stipulate that the *Wala'* is for the one who sets the slave free." Then he stood up and addressed the people and said: "What is the matter with people who stipulate conditions that are not in the Book of Allâh, the Mighty and Sublime? They say: 'I set so-and-so free but the *Wala'* will be to me.' Every condition that is not in the Book of Allâh, the Mighty and Sublime, is a false condition, even if there are a hundred conditions." And the Messenger of Allâh ﷺ gave her the choice with regard to her husband who was still a slave, and she chose herself. 'Urwah said: "If he had been free the Messenger of Allâh ﷺ would not have given her the choice." (**Ṣaḥîḥ**)

عَلَيْهَا إِلَّا أَنْ يَكُونَ الْوَلَاءُ لَهُمْ، فَجَاءَتْ إِلَى عَائِشَةَ وَجَاءَ رَسُولُ اللهِ ﷺ عِنْدَ ذٰلِكَ فَقَالَتْ لَهَا مَا قَالَ أَهْلُهَا، فَقَالَتْ: لَاهَا اللهِ إِذًا! إِلَّا أَنْ يَكُونَ الْوَلَاءُ لِي، فَقَالَ رَسُولُ اللهِ ﷺ: «مَا هٰذَا؟» فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ بَرِيرَةَ أَتَتْنِي تَسْتَعِينُ بِي عَلَى كِتَابَتِهَا فَقُلْتُ: لَا إِلَّا أَنْ يَشَاءُوا أَنْ أَعُدَّهَا لَهُمْ عَدَّةً وَاحِدَةً وَيَكُونُ الْوَلَاءُ لِي فَذَكَرَتْ ذٰلِكَ لِأَهْلِهَا فَأَبَوْا عَلَيْهَا إِلَّا أَنْ يَكُونَ الْوَلَاءُ لَهُمْ، فَقَالَ رَسُولُ اللهِ ﷺ: «ابْتَاعِيهَا وَاشْتَرِطِي لَهُمُ الْوَلَاءَ فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ» ثُمَّ قَامَ فَخَطَبَ النَّاسَ فَحَمِدَ اللهَ وَأَثْنَى عَلَيْهِ ثُمَّ قَالَ: «مَا بَالُ أَقْوَامٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فِي كِتَابِ اللهِ عَزَّ وَجَلَّ؟ يَقُولُونَ: أَعْتِقْ فُلَانًا وَالْوَلَاءُ لِي، كِتَابُ اللهِ عَزَّ وَجَلَّ أَحَقُّ وَشَرْطُ اللهِ أَوْثَقُ، وَكُلُّ شَرْطٍ لَيْسَ فِي كِتَابِ اللهِ فَهُوَ بَاطِلٌ وَإِنْ كَانَ مِائَةَ شَرْطٍ» فَخَيَّرَهَا رَسُولُ اللهِ ﷺ مِنْ زَوْجِهَا وَكَانَ عَبْدًا فَاخْتَارَتْ نَفْسَهَا. قَالَ عُرْوَةُ: فَلَوْ كَانَ حُرًّا مَا خَيَّرَهَا رَسُولُ اللهِ ﷺ.

تخريج: أخرجه مسلم، العتق، باب بيان أن الولاء لمن أعتق، ح: ١٥٠٤/ ٩ من حديث جرير ابن عبدالحميد به، وهو في الكبرٰى، ح: ٥٦٤٤، وأخرجه البخاري، ح: ٢٥٦٣ من حديث هشام به، .

Comments:

1. 'Nine *Uqiyahs*': One *Uqiyyah* consisted of forty dirhams. Nine *Uqiyyah* add up to three hundred and sixty dirhams.
2. From the apparent Arabic phrasing of this narration, it appears that 'Âishah ﷺ wanted to acquire the right of *Al-Walâ'* by paying the full amount in one installment to Barîrah with a view to helping her. But this perception is not right. The sermon of Allâh's Messenger ﷺ and other narrations corroborate that 'Âishah wanted to buy and emancipate her. Had it been the former case, the viewpoint of the (Barîrah's) owners would have been appropriate.
3. 'The condition which is not found in the Book of Allâh is not valid' means the conditions which go against the explicit elucidation of the Book of Allâh. Otherwise it is not necessary that every condition be found in the Book of Allâh.

3482. It was narrated that 'Âishah, may Allâh be pleased with her, said: "The husband of Barîrah was a slave." (*Sahîh*)

٣٤٨٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا الْمُغِيرَةُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا وُهَيْبٌ عَنْ عُبَيْدِ اللهِ بْنِ عُمَرَ، عَنْ يَزِيدَ بْنِ رُومَانَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: كَانَ زَوْجُ بَرِيرَةَ عَبْدًا.

تخريج: أخرجه مسلم، ح:١٥٠٤/١٣ من حديث وهيب به (انظر الحديث السابق)، وهو في الكبرى، ح:٥٦٤٥.

3483. It was narrated from 'Âishah that she bought Barîrah from some of the *Ansâr* who stipulated that her *Wala'* should go to them. The Messenger of Allâh ﷺ said: "*Al-Wala'* is to the one who did the favor (of setting the slave free)." The Messenger of Allâh ﷺ gave her the choice, as her husband was a slave. And she gave some meat to 'Âishah as a gift, and the Messenger of Allâh ﷺ said: "Why don't you give me some of this meat?" 'Âishah said: "It was given in charity to Barîrah." He said: "It is charity for her, and a gift for us." (*Sahîh*)

٣٤٨٣ - أَخْبَرَنَا الْقَاسِمُ بْنُ زَكَرِيَّا بْنِ دِينَارٍ قَالَ: حَدَّثَنَا حُسَيْنٌ عَنْ زَائِدَةَ، عَنْ سِمَاكٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ الْقَاسِمِ، عَنْ عَائِشَةَ: أَنَّهَا اشْتَرَتْ بَرِيرَةَ مِنْ أُنَاسٍ مِنَ الْأَنْصَارِ فَاشْتَرَطُوا الْوَلَاءَ، فَقَالَ رَسُولُ اللهِ ﷺ: «الْوَلَاءُ لِمَنْ وَلِيَ النِّعْمَةَ» وَخَيَّرَهَا رَسُولُ اللهِ ﷺ وَكَانَ زَوْجُهَا عَبْدًا، وَأَهْدَتْ لِعَائِشَةَ لَحْمًا فَقَالَ رَسُولُ اللهِ ﷺ: «لَوْ وَضَعْتُمْ لَنَا مِنْ هٰذَا اللَّحْمِ» قَالَتْ عَائِشَةُ: تُصُدِّقَ بِهِ عَلَى بَرِيرَةَ فَقَالَ: «هُوَ لَهَا صَدَقَةٌ وَهُوَ لَنَا هَدِيَّةٌ».

تخريج: أخرجه مسلم، ح:١٥٠٤/١١ من حديث حسين بن علي به (انظر الحديثين

السابقين)، وهو في الكبرٰى، ح:٥٦٤٧.

3484. Yaḥya bin Abî Bukair Al-Karmânî said: "Shu'bah narrated to us, from 'Abdur-Raḥmân bin Al-Qâsim, from his father, from 'Âishah. He (Shu'bah) said: "And he ('Abdur-Raḥmân) was the executor for his father." He (Shu'bah) said: "I was afraid to say to him: 'Did you hear this from your father.'" – 'Âishah said: "I asked the Messenger of Allâh ﷺ about Barîrah, as I wanted to buy her but it was stipulated that the *Wala'* would go to her (former) masters. He said: 'Buy her, for the *Wala'* is to the one who sets the slave free.' And she was given the choice, as her husband was a slave." Then he said, after that: "I do not know."[1] – "And some meat was brought to the Messenger of Allâh ﷺ and they said: 'This is some of that which was given in charity to Barîrah.' He said: 'It is charity for her and a gift for us.'" (*Ṣaḥîḥ*)

٣٤٨٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي بُكَيْرٍ الْكَرْمَانِيُّ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الرَّحْمٰنِ ابْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ - قَالَ: وَكَانَ وَصِيَّ أَبِيهِ قَالَ: وَفَرِقْتُ أَنْ أَقُولَ: سَمِعْتَهُ مِنْ أَبِيكَ؟ - قَالَتْ عَائِشَةُ: سَأَلْتُ رَسُولَ اللهِ ﷺ عَنْ بَرِيرَةَ وَأَرَدْتُ أَنْ أَشْتَرِيَهَا وَاشْتُرِطَ الْوَلَاءُ لِأَهْلِهَا، فَقَالَ: «اشْتَرِيهَا فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ» قَالَ: وَخُيِّرَتْ وَكَانَ زَوْجُهَا عَبْدًا، ثُمَّ قَالَ بَعْدَ ذٰلِكَ: مَا أَدْرِي وَأُتِيَ رَسُولُ اللهِ ﷺ بِلَحْمٍ فَقَالُوا: هٰذَا مِمَّا تُصُدِّقَ بِهِ عَلَى بَرِيرَةَ قَالَ: «هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ».

تخريج: أخرجه البخاري، الهبة، باب قبول الهدية، ح:٢٥٧٨، ومسلم، ح:١٥٠٤/ ١٢ (انظر الحديث السابق) من حديث شعبة به، وهو في الكبرٰى، ح:٥٦٤٨ * وصي أبيه هو عبدالرحمٰن والقائل شعبة.

Comments:

'I do not know': Whether he had been a free man or a slave. By one transmitter's forgetfulness, the sound report of the rest of the narrators does not become weak. The rest of the details have already been discussed in two or three chapters, which have preceded earlier.

[1] This refers to whether her husband was a slave or not. In a narration of Al-Bukhârî (2578) it is: " 'Abdur-Raḥmân said: 'Her husband was free, or, a slave.'" Shu'bah said: "I asked 'Abdur-Raḥmân about her husband, he said: 'I do not know, was he free or a slave.'"

Chapter 32. The Oath Of Abstinence

(المعجم ٣٢) - **بَابُ الإِيلَاءِ** (التحفة ٣٢)

3485. Ibn 'Abbâs said: "One morning, we saw the wives of the Prophet ﷺ weeping, and each one of them had her family with her. I entered the *Masjid* and found it filled with people. Then 'Umar, may Allâh be pleased with him, came, and went to the Prophet ﷺ who was in his room. He greeted him with the *Salâm* but no one answered. He greeted him again but no one answered. He greeted him (a third time) but no one answered. So he went back and called out: 'Bilâl!' He cam to the Prophet ﷺ and said: 'Have you divorced your wives?' He said: 'No, but I have sworn an oath of abstention from them for a month.' So he stayed away from them for twenty-nine days, then he came and went into his wives." (***Sahîh***)

٣٤٨٥ - أَخْبَرَنَا أَحْمَدُ بْنُ عَبْدِ اللهِ بْنِ الْحَكَمِ الْبَصْرِيُّ قَالَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ قَالَ: حَدَّثَنَا أَبُو يَعْفُورٍ عَنْ أَبِي الضُّحَى قَالَ: تَذَاكَرْنَا الشَّهْرَ عِنْدَهُ فَقَالَ بَعْضُنَا: ثَلَاثِينَ، وَقَالَ بَعْضُنَا: تِسْعًا وَعِشْرِينَ، فَقَالَ أَبُو الضُّحَى: حَدَّثَنَا ابْنُ عَبَّاسٍ قَالَ: أَصْبَحْنَا يَوْمًا وَنِسَاءُ النَّبِيِّ ﷺ يَبْكِينَ عِنْدَ كُلِّ امْرَأَةٍ مِنْهُنَّ أَهْلُهَا فَدَخَلْتُ الْمَسْجِدَ فَإِذَا هُوَ مَلْآن مِنَ النَّاسِ، قَالَ: فَجَاءَ عُمَرُ رَضِيَ اللهُ عَنْهُ فَصَعِدَ إِلَى النَّبِيِّ ﷺ وَهُوَ فِي عُلِّيَّةٍ لَهُ فَسَلَّمَ عَلَيْهِ فَلَمْ يُجِبْهُ أَحَدٌ، ثُمَّ سَلَّمَ فَلَمْ يُجِبْهُ أَحَدٌ، ثُمَّ سَلَّمَ فَلَمْ يُجِبْهُ أَحَدٌ، فَرَجَعَ فَنَادَى: بِلَالُ! فَدَخَلَ عَلَى النَّبِيِّ ﷺ فَقَالَ: أَطَلَّقْتَ نِسَاءَكَ؟ فَقَالَ: «لَا وَلٰكِنِّي آلَيْتُ مِنْهُنَّ شَهْرًا» فَمَكَثَ تِسْعًا وَعِشْرِينَ ثُمَّ نَزَلَ فَدَخَلَ عَلَى نِسَائِهِ.

تخريج: أخرجه البخاري، النكاح، باب هجرة النبي ﷺ نساءه في غير بيوتهن، ح:٥٢٠٣ من حديث مروان بن معاوية الفزاري به، وهو في الكبرى، ح:٥٦٤٩.

Comments:

1. '*Ilâ'* in its literal sense signifies to vow, but here it means swearing to abstain from intercourse with one's wife. If the husband is angry with his wife and swears in this manner, he may only maintain the vow for four months. On expiration of the duration of four months, he must either copulate with his wife, breaking the oath and pay the expiation for the oath, or he will be obliged to divorce her. If he denies both these things, the current ruler (or a magistrate, etc.) would bring into effect the divorce, using their own authority. Thus the wife would become separated from her husband. Allâh's Messenger ﷺ had sworn off of his wives for one month only, and he fulfilled it.
2. 'They (the Prophet's ﷺ wives) were weeping': It had occurred to them that perhaps taking such a vow equals a divorce, or they were weeping because of the Prophet's ﷺ displeasure and separation.

3. 'No one answered' means permission to enter was not given. They might have returned the greeting in a low voice.
4. 'Twenty-nine days' because a month could consist of twenty-nine days as well as thirty days. The Divine law has ruled twenty-nine days as a full month. Hence, if the vow is for one month, upon the expiration of twenty-nine days, the vow would be fulfilled, for whatever objective it might have been.

3486. It was narrated that Anas said: "The Prophet ﷺ swore an oath of abstention from his wives for a month and stayed in his room for twenty-nine days. It was said: 'O Messenger of Allâh, did you not swear an oath of abstention for a month?' He said: 'This month is twenty-nine days.'" (*Saḥîḥ*)

٣٤٨٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا حُمَيْدٌ عَنْ أَنَسٍ قَالَ: آلَى النَّبِيُّ ﷺ مِنْ نِسَائِهِ شَهْرًا فِي مَشْرَبَةٍ لَهُ فَمَكَثَ تِسْعًا وَعِشْرِينَ لَيْلَةً ثُمَّ نَزَلَ فَقِيلَ: يَا رَسُولَ اللهِ! أَلَيْسَ آلَيْتَ عَلَى شَهْرٍ؟ قَالَ: «الشَّهْرُ تِسْعٌ وَعِشْرُونَ».

تخريج: أخرجه البخاري، ح:٣٧٨، ١٩١١، ٢٤٦٩، ٥٢٠١، ٥٢٨٩، ٦٦٨٤ من حديث حميد الطويل به مطولاً، وصرح بالسماع عنده، وهو في الكبرٰى، ح:٥٦٥٠ * خالد هو ابن الحارث.

Chapter 33. *Aẓ-Ẓihâr*[1]

(المعجم ٣٣) - بَابُ الظِّهَارِ (التحفة ٣٣)

3487. It was narrated from Ibn 'Abbâs that a man came to the Prophet ﷺ who had declared *Ẓihâr* from his wife, then he had intercourse with her. He said: "O Messenger of Allâh, I declared *Ẓihâr* on my wife, then I had intercourse with her before I offered the expiation." He said: "What made you do that, may Allâh have mercy on you?" He said: "I saw her anklets in the light of the moon." He said: "Do not approach her until you have done that which Allâh, the Mighty and Sublime, has commanded." (*Saḥîḥ*)

٣٤٨٧ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ مَعْمَرٍ، عَنِ الْحَكَمِ بْنِ أَبَانٍ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ قَدْ ظَاهَرَ مِنِ امْرَأَتِهِ فَوَقَعَ عَلَيْهَا، فَقَالَ: يَا رَسُولَ اللهِ! إِنِّي ظَاهَرْتُ مِنِ امْرَأَتِي فَوَقَعْتُ قَبْلَ أَنْ أُكَفِّرَ، قَالَ: «وَمَا حَمَلَكَ عَلَى ذٰلِكَ يَرْحَمُكَ اللَّهُ؟» قَالَ: رَأَيْتُ خَلْخَالَهَا فِي ضَوْءِ الْقَمَرِ فَقَالَ: «لَا تَقْرَبْهَا حَتَّى تَفْعَلَ مَا أَمَرَ اللهُ عَزَّ وَجَلَّ».

تخريج: [إسناده حسن] أخرجه أبو داود، الطلاق، باب: في الظهار، ح:٢٢٢٥،

[1] When a man says to his wife: "You are to me as my mother's back." Intimacy with her thus becomes forbidden, but she was left in a kind of limbo, as she was not fully divorced or allowed to seek marriage with another.

والترمذي، الطلاق، باب ماجاء في المظاهر يواقع قبل أن يكفر، ح:١١٩٩ عن الحسين بن حريث به، وقال الترمذي: "حسن صحيح غريب"، وهو في الكبرى، ح:٥٦٥١ .

Comments:

Zihâr means someone tells his wife, 'You are like my mother's back to me.' The objective happens to be to forbid one's wife upon oneself. If some other words are used to forbid her, then expiation for the oath is enough. But if someone forbids (one's wife upon oneself) by comparing her with one's mother's back, a very severe expiation shall have to be given, because the mother is an extremely revered person. To call one's wife one's mother in order to forbid her, is a grave insult to mother. The expiation for *Zihâr* consists of freeing a slave; if not possible, to fast the days of two consecutive months; if this is not possible, then the expiation is to feed sixty poor people. Sexual intercourse is forbidden until the expiation is performed.

3488. It was narrated that 'Ikrimah said: "A man declared *Ẓihar* to his wife, then had intercourse with her before he had offered the expiation. He mentioned that to the Prophet ﷺ. The Prophet ﷺ said to him: 'What made you do that?' He said: 'May Allâh have mercy on you, O Messenger of Allâh. I saw her anklets, or her calves, in the light of the moon.' The Messenger of Allâh ﷺ said: 'Keep away from her until you have done that which Allâh, the Mighty and Sublime, has commanded.'" (***Ḥasan***)

٣٤٨٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الْحَكَمِ بْنِ أَبَانٍ، عَنْ عِكْرِمَةَ قَالَ: تَظَاهَرَ رَجُلٌ مِنِ امْرَأَتِهِ فَأَصَابَهَا قَبْلَ أَنْ يُكَفِّرَ، فَذَكَرَ ذٰلِكَ لِلنَّبِيِّ ﷺ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «مَا حَمَلَكَ عَلَى ذٰلِكَ؟» قَالَ: رَحِمَكَ اللهُ يَا رَسُولَ اللهِ! رَأَيْتُ خَلْخَالَهَا أَوْ سَاقَيْهَا فِي ضَوْءِ الْقَمَرِ، فَقَالَ رَسُولُ اللهِ ﷺ: «فَاعْتَزِلْهَا حَتَّى تَفْعَلَ مَا أَمَرَكَ اللهُ عَزَّ وَجَلَّ».

تخريج: [إسناده حسن] انظر الحديث السابق، وهو في الكبرى، ح:٥٦٥٢.

Comments:

1. If someone copulates with one's wife after having committed *Zihâr* and before performing the prescribed expiation, then it is a sin. But only one expiation shall have to be performed, because the *Zihâr* was committed only once. Some have imposed upon him a dual expiation, but it is not correct.

2. 'May Allâh have mercy on you': In the previous narration, Allâh's Messenger ﷺ had supplicated for him even though he had perpetrated a sin. But Allâh's Messenger ﷺ was the most excellent teacher, and an affectionate leader. The Prophet ﷺ corrected the wrongdoers by his excellent character.

3489. 'Ikrimah said: "A man came to the Prophet of Allâh ﷺ and said: 'O Prophet of Allâh,' and that

٣٤٨٩ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا الْمُعْتَمِرُ؛ ح وَأَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ

الْأَعْلَى قَالَ: حَدَّثَنَا الْمُعْتَمِرُ قَالَ: سَمِعْتُ الْحَكَمَ بْنَ أَبَانَ قَالَ: سَمِعْتُ عِكْرِمَةَ قَالَ: أَتَى رَجُلٌ نَبِيَّ اللهِ ﷺ فَقَالَ: يَا نَبِيَّ اللهِ! إِنَّهُ ظَاهَرَ مِنِ امْرَأَتِهِ ثُمَّ غَشِيَهَا قَبْلَ أَنْ يَفْعَلَ مَا عَلَيْهِ، قَالَ: «مَا حَمَلَكَ عَلَى ذٰلِكَ؟» قَالَ: يَا نَبِيَّ اللهِ رَأَيْتُ بَيَاضَ سَاقَيْهَا فِي الْقَمَرِ، قَالَ النَّبِيُّ ﷺ: «فَاعْتَزِلْ حَتَّى تَقْضِيَ مَا عَلَيْكَ». وَقَالَ إِسْحَاقُ فِي حَدِيثِهِ: «فَاعْتَزِلْهَا حَتَّى تَقْضِيَ مَا عَلَيْكَ»، وَاللَّفْظُ لِمُحَمَّدٍ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: الْمُرْسَلُ أَوْلَى بِالصَّوَابِ مِنَ الْمُسْنَدِ، وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

he had declared *Ẓihâr* to his wife, then he had intercourse with her before he did what he had to do. He said: 'What made you do that?' He said: 'O Prophet of Allâh! I saw the whiteness of her calves in the moonlight.' The Prophet ﷺ said: 'Keep away until you have done what you have to do.' (One of the narrators) Isḥâq said in his *Ḥadîth*: "Keep away from her until you have done what you have to do." The wording is that of Muhammad. (***Ḥasan***)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: The *Mursal* is more worthy of being considered correct than the *Musnad* (of this narration),[1] and Allâh, Glorious is He and Most High, knows best .

تخريج: [**إسناده حسن**] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٥٦٥٣.

٣٤٩٠ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ تَمِيمِ بْنِ سَلَمَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: الْحَمْدُ لِلَّهِ الَّذِي وَسِعَ سَمْعُهُ الْأَصْوَاتَ، لَقَدْ جَاءَتْ خَوْلَةُ إِلَى رَسُولِ اللهِ ﷺ تَشْكُو زَوْجَهَا، فَكَانَ يَخْفَى عَلَيَّ كَلَامُهَا، فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ: ﴿قَدْ سَمِعَ ٱللَّهُ قَوْلَ ٱلَّتِى تُجَٰدِلُكَ فِى زَوْجِهَا وَتَشْتَكِىٓ إِلَى ٱللَّهِ وَٱللَّهُ يَسْمَعُ تَحَاوُرَكُمَآ﴾. الْآيَةَ [المجادلة:١].

3490. It was narrated from 'Âishah that she said: "Praise be to Allâh Whose hearing encompasses all voices. Khawlah came to the Messenger of Allâh ﷺ complaining about her husband, but I could not hear what she said. Then Allâh, the Mighty and Sublime, revealed: 'Indeed Allâh has heard the statement of her that disputes with you concerning her husband, and complains to Allâh. And Allâh hears the argument between you both.'"[2] (***Ṣaḥîḥ***)

تخريج: [**صحيح**] أخرجه ابن ماجه، المقدمة، باب: فيما أنكرت الجهمية، ح:١٨٨ من

[1] The second version which he reported here is from 'Ikrimah (which is *Mursal*), while the first is also from him, but attributed to Ibn 'Abbâs.

[2] *Al-Mujâdilah* 58:1.

حديث الأعمش به، وهو في الكبرى، ح:٥٦٥٤، وعلقه البخاري في التوحيد، باب قول الله تعالى: ﴿وكان الله سميعًا بصيرًا﴾ ح:٧٣٨٦، وللحديث شواهد.

Comments:

Khawla's husband had also declared *Ẓihâr* to her. She thought she had perhaps become forbidden for her husband. It moreover causes humiliation to the Children. Allâh, Most High, prescribed expiation out of His infinite mercy. He did not render the wife unlawful. And praise be to Allâh!

Chapter 34. What Was Narrated Concerning *Khul'*

(المعجم ٣٤) - **بَابُ مَا جَاءَ فِي الْخُلْعِ** (التحفة ٣٤)

3491. It was narrated from Ayyûb, from Al-Ḥasan, from Abû Hurairah, that the Prophet ﷺ said: "Women who seek divorce and *Khul'*[1] are like the female hypocrites." Al-Ḥasan said: "I did not hear it from anyone other than Abû Hurairah." (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: Al-Ḥasan did not hear anything from Abû Hurairah.

٣٤٩١ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَنْبَأَنَا الْمَخْزُومِيُّ - وَهُوَ الْمُغِيرَةُ بْنُ سَلَمَةَ - قَالَ: حَدَّثَنَا وُهَيْبٌ عَنْ أَيُّوبَ، عَنِ الْحَسَنِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «الْمُنْتَزِعَاتُ وَالْمُخْتَلِعَاتُ هُنَّ الْمُنَافِقَاتُ». قَالَ الْحَسَنُ: لَمْ أَسْمَعْهُ مِنْ غَيْرِ أَبِي هُرَيْرَةَ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: الْحَسَنُ لَمْ يَسْمَعْ مِنْ أَبِي هُرَيْرَةَ شَيْئًا.

تخريج: [**صحيح**] أخرجه أحمد: ٢/ ٤١٤ من حديث وهيب بن خالد به، وهو في الكبرى، ح:٥٦٥٥ * والحسن صرح بالسماع في هذا الحديث، وللحديث شواهد عند الترمذي، ح:١١٨٦ وغيره.

Comments:

'Are hypocrites' means in spite of being under the wedlock of their husbands, they are ungrateful to them. Just as a hypocrite is insincere to Islam, in spite of his pronouncement of the testification, in the same way, these women have been compared to hypocrites. They are not branded real hypocrites. A Muslim, however, should not portray such evil comparisons. But demanding to be let go due to a genuine excuse is permissible; such a woman will not fall under this category.

3492. It was narrated from Yaḥya bin Sa'eed, from 'Amrah bint 'Abdur-Raḥmân, that she told him about Ḥabîbah bint Sahl: "She was married to Thâbit bin Qais bin

٣٤٩٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمٰنِ: أَنَّهَا

[1] Meaning, for no legitimate reason. The author has supplied a sample of an agreement for *Khul'* in the section of contracts prior to chapter 48 of the Book of Agriculture.

Shammâs. The Messenger of Allâh ﷺ went out to pray *As-Subh* and he found Habîbah bint Sahl at his door at the end of the night. The Messenger of Allâh ﷺ said: 'Who is this?' She said: 'I am Habîbah bint Sahl, O Messenger of Allâh.' He said: 'What is the matter?' She said: 'I cannot live with Thâbit bin Qais' – her husband. When Thâbit bin Qais came, the Messenger of Allâh ﷺ said to him: 'Here is Habîbah bint Sahl and she has said what Allâh willed she should say.' Habîbah said: 'O Messenger of Allâh, everything that he gave me is with me.' The Messenger of Allâh ﷺ said: 'Take it from her.' So he took it from her and she stayed with her family." (*Sahîh*)

أَخْبَرَتْهُ عَنْ حَبِيبَةَ بِنْتِ سَهْلٍ: أَنَّهَا كَانَتْ تَحْتَ ثَابِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ وَأَنَّ رَسُولَ اللهِ ﷺ خَرَجَ إِلَى الصُّبْحِ فَوَجَدَ حَبِيبَةَ بِنْتَ سَهْلٍ عِنْدَ بَابِهِ فِي الْغَلَسِ، فَقَالَ رَسُولُ اللهِ ﷺ: «مَنْ هٰذِهِ؟» قَالَتْ: أَنَا حَبِيبَةُ بِنْتُ سَهْلٍ يَا رَسُولَ اللهِ! فَقَالَ: «مَا شَأْنُكِ؟» قَالَتْ: لَا أَنَا وَلَا ثَابِتُ بْنُ قَيْسٍ - لِزَوْجِهَا -، فَلَمَّا جَاءَ ثَابِتُ ابْنُ قَيْسٍ قَالَ لَهُ رَسُولُ اللهِ ﷺ: «هٰذِهِ حَبِيبَةُ بِنْتُ سَهْلٍ قَدْ ذَكَرَتْ مَا شَاءَ اللهُ أَنْ تَذْكُرَ». فَقَالَتْ حَبِيبَةُ: يَا رَسُولَ اللهِ! كُلُّ مَا أَعْطَانِي عِنْدِي، فَقَالَ رَسُولُ اللهِ ﷺ لِثَابِتٍ: «خُذْ مِنْها». فَأَخَذَ مِنْهَا وَجَلَسَتْ فِي أَهْلِهَا.

تخريج: [إسناده صحيح] أخرجه أبو داود، الطلاق، باب: في الخلع، ح:٢٢٢٧ من حديث مالك به، وهو في الموطأ (يحيى):٢/ ٥٦٤، والكبرى، ح:٥٦٥٦، وصححه ابن خزيمة، (فتح:٩/ ٣٩٩)، وابن حبان، ح:١٣٢٦ .

Comments:

1. A woman's demand to be let go by her husband is called *Khul'*. In such a situation, the husband may demand the return of the dower and other gifts given to his wife, if he so desires. He, however, may not take anything in addition to it from her personal possessions or wealth. Now the husband would not be able to take her back. If, however, both of them so desire, they may contract a new marriage after the expiration of the waiting period.
2. The waiting period of a woman who acquires *Khul'* is three menstrual cycles only, according to the Hanafites. While Imâm Ash-Shâfi'î, maintains that the waiting period is only one menstrual cycle, so that pregnancy is verified. This is supported by a narration that follows later, see No. 3527.

3493. It was narrated from Ibn 'Abbâs that the wife of Thâbit bin Qais came to the Prophet ﷺ and said: "O Messenger of Allâh, I do not find any fault with Thâbit bin Qais regarding his attitude or religious commitment, but I hate

٣٤٩٣ - أَخْبَرَنَا أَزْهَرُ بْنُ جَمِيلٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ امْرَأَةَ ثَابِتِ بْنِ قَيْسٍ أَتَتِ النَّبِيَّ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ!

Kufr after becoming Muslim." The Messenger of Allâh ﷺ said: "Will you give him back his garden?" She said: "Yes." The Messenger of Allâh ﷺ said: "Take back the garden and divorce her once." (***Sahîh***)

ثَابِتُ بْنُ قَيْسٍ أَمَا إِنِّي مَا أَعِيبُ عَلَيْهِ فِي خُلُقٍ وَلَا دِينٍ، وَلٰكِنِّي أَكْرَهُ الْكُفْرَ فِي الْإِسْلَامِ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَتَرُدِّينَ عَلَيْهِ حَدِيقَتَهُ؟» قَالَتْ: نَعَمْ، قَالَ رَسُولُ اللهِ ﷺ: «اقْبَلِ الْحَدِيقَةَ وَطَلِّقْهَا تَطْلِيقَةً».

تخريج: أخرجه البخاري، الطلاق، باب الخلع وكيف الطلاق فيه ... إلخ، ح:٥٢٧٣ عن أزهر به، وهو في الكبرٰى، ح:٥٦٥٧.

Comments:

'I detest *Kufr* after becoming Muslim': Meaning she did not like him and was afraid she might not show him the respect due to a husband. *Kufran*, translated unbelief, can also mean ingratitude. To abhor the husband while residing in his house, to quarrel with him, and to displease him are deeds which are all prohibited in Islam. Conversely, they are the deeds of *Kufr*. But *Kufr* also means ingratitude toward the husband. Ingratitude is also called *Kufr* in the Arabic language.

3494. It was narrated that Ibn 'Abbâs said: "A man came to the Messenger of Allâh ﷺ and said: 'My wife does not object if anyone touches her.' He said: 'Divorce her if you wish.' He said: 'I am afraid that I will miss her.' He said: 'Then stay with her as much as you need to.'" (***Sahîh***)

٣٤٩٤ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى قَالَ: حَدَّثَنَا الْحُسَيْنُ بْنُ وَاقِدٍ عَنْ عُمَارَةَ بْنِ أَبِي حَفْصَةَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ امْرَأَتِي لَا تَمْنَعُ يَدَ لَامِسٍ، قَالَ: «غَرِّبْهَا إِنْ شِئْتَ» قَالَ: إِنِّي أَخَافُ أَنْ تَتْبَعَهَا نَفْسِي قَالَ: «اسْتَمْتِعْ بِهَا».

تخريج: [**إسناده صحيح**] أخرجه أبو داود، النكاح، باب النهي عن تزويج من لم يلد من النساء، ح:٢٠٤٩ عن الحسين بن حريث المروزي به، وهو في الكبرٰى، ح:٥٦٥٨، وقال أحمد ابن حنبل: "ليس هو عندنا إلا على معنى أنها تعطى من ماله ولم يكن النبي ﷺ ليأمره بإمساكها وهي تفجر"، وراجع نيل المقصود.

Comments:

(See *Hadîth* 3231)

3495. It was narrated from Ibn 'Abbâs that a man said: "O Messenger of Allâh, I have a wife who does not object if anyone

٣٤٩٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا النَّضْرُ بْنُ شُمَيْلٍ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ قَالَ: أَخْبَرَنَا هَارُونُ بْنُ رِئَابٍ عَنْ عَبْدِ

اللهِ بْنِ عُبَيْدِ بْنِ عُمَيْرٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللهِ! إِنَّ تَحْتِي امْرَأَةً لَا تَرُدُّ يَدَ لَامِسٍ، قَالَ: «طَلِّقْهَا» قَالَ: إِنِّي لَا أَصْبِرُ عَنْهَا، قَالَ: «فَأَمْسِكْهَا».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا خَطَأٌ وَالصَّوَابُ مُرْسَلٌ.

touches her. He said: "Divorce her." He said: "I cannot live without her." He said: "Then keep her." (*Saḥîḥ*)

This is a mistake, and what is correct is that it is *Mursal*.[1]

تخريج: [صحيح] تقدم، ح: ٣٢٣١، وهو في الكبرٰى، ح: ٥٦٥٩.

Comments:

Both the above-recorded narrations seem to have no relevance with the chapter. They are, however, relevant to the issue of divorce. For instance, it is not necessary to resort to divorce upon such petty circumstances. (See *Ḥadîth* 3231)

Chapter 35. The Beginning Of *Al-Li'ân* (The Curse)

(المعجم ٣٥) - **بَابُ بِدءِ اللِّعَانِ**

(التحفة ٣٥)

٣٤٩٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْمَرٍ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي سَلَمَةَ وَإِبْرَاهِيمُ بْنُ سَعْدٍ عَنِ الزُّهْرِيِّ، عَنْ سَهْلِ بْنِ سَعْدٍ، عَنْ عَاصِمِ بْنِ عَدِيٍّ قَالَ: جَاءَنِي عُوَيْمِرٌ رَجُلٌ مِنْ بَنِي الْعَجْلَانِ فَقَالَ: أَيْ عَاصِمُ! أَرَأَيْتُمْ رَجُلًا رَأَى مَعَ امْرَأَتِهِ رَجُلًا أَيَقْتُلُهُ فَتَقْتُلُونَهُ أَمْ كَيْفَ يَفْعَلُ؟ يَا عَاصِمُ! سَلْ لِي رَسُولَ اللهِ ﷺ، فَسَأَلَ عَاصِمٌ عَنْ ذٰلِكَ النَّبِيَّ ﷺ، فَعَابَ رَسُولُ اللهِ ﷺ الْمَسَائِلَ وَكَرِهَهَا، فَجَاءَهُ عُوَيْمِرٌ فَقَالَ: مَا صَنَعْتَ يَا عَاصِمُ؟ فَقَالَ: صَنَعْتُ أَنَّكَ لَمْ تَأْتِنِي بِخَيْرٍ، كَرِهَ رَسُولُ اللهِ ﷺ الْمَسَائِلَ وَعَابَهَا، قَالَ عُوَيْمِرٌ: وَاللّٰهِ! لَأَسْأَلَنَّ عَنْ

3496. It was narrated from Sahl bin Sa'd, from 'Âṣim bin 'Adiyy who said: "Uwaimir, a man from Banu 'Ajlân, came and said: 'O 'Âṣim, what do you think if a man sees another man with his wife, should he kill him and be killed in retaliation, or what should he do? O 'Âṣim, ask the Messenger of Allâh ﷺ about that for me.'" So 'Âṣim asked the Messenger of Allâh ﷺ about that, and the Messenger of Allâh ﷺ disapproved of the question and criticized the asking of too many questions. Then 'Uwaimir came to him and said: "What happened, O 'Âṣim?" 'Âṣim said to 'Uwaimir: "What happened?! You have not brought me any good. The Messenger of Allâh ﷺ disapproved of the question I asked." 'Uwaimir

[1] He explains in *Al-Kubra*, that this particular chain going through Ḥammad bin Salamah has a mistake in it, in that others narrated it from him, without the mention of Ibn 'Abbâs.

ذٰلِكَ رَسُولَ اللهِ ﷺ، فَانْطَلَقَ إِلَى رَسُولِ اللهِ ﷺ فَسَأَلَهُ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «قَدْ أَنْزَلَ اللهُ [عَزَّ وَجَلَّ] فِيكَ وَفِي صَاحِبَتِكَ فَائْتِ بِهَا». قَالَ سَهْلٌ: وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللهِ ﷺ، فَجَاءَ بِهَا فَتَلَاعَنَا، فَقَالَ: يَا رَسُولَ اللهِ! وَاللّٰهِ! لَئِنْ أَمْسَكْتُهَا لَقَدْ كَذَبْتُ عَلَيْهَا، فَفَارَقَهَا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللهِ ﷺ بِفِرَاقِهَا، فَصَارَتْ سُنَّةَ الْمُتَلَاعِنَيْنِ.

said: "By Allâh, I will go and ask the Messenger of Allâh ﷺ." So he went to the Messenger of Allâh ﷺ and asked him. The Messenger of Allâh ﷺ said: "Allâh the Mighty and Sublime has revealed (something) concerning you and your wife, so bring her here." Sahl said: "I was among the people in the presence of the Messenger of Allâh ﷺ and he brought her and they engaged in the procedure of *Li'ân*. He said: 'O Messenger of Allâh, by Allâh! If I keep her I would have been telling lies about her.' So he parted from her before the Messenger of Allâh ﷺ told him to separate from her, and that became the way of *Li'ân*." (*Ṣaḥîḥ*)

تخريج: [صحيح] أخرجه أحمد: ٥/٣٣٧ من حديث عبدالعزيز به، وهو في الكبرى، ح: ٥٦٦٠، وأخرجه البخاري، ح: ٥٣٠٨ وغيره، ومسلم، ح: ١٤٩٢ وغيرهما من حديث الزهري عن سهل به من مسنده.

Comments:

A man who witnesses his wife in the state of adultery, and has no other witnesses except himself, then the Divine law has made special provision for the husband to deal with such a situation. An ordinary person may not disclose the matter to anyone. He shall have to remain silent. But the husband is permitted to present himself before the court of law. The court would summon the wife also. Both of them would take oaths. If one of them refuses to take oath, he or she shall be punished: the man will be punished for accusation, and the woman for adultery. If both of them take oaths, the court would annul their marriage, and would say nothing to either of them. The method of *Li'ân* (mutual cursing) is coming up. (See also *Ḥadîth* 3431).

Chapter 36. *Li'ân* Because Of Pregnancy

(المعجم ٣٦) - بَابُ اللِّعَانِ بِالْحَبْلِ (التحفة ٣٦)

٣٤٩٧ - أَخْبَرَنَا أَحْمَدُ بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي بَكْرٍ قَالَ: حَدَّثَنَا عُمَرُ ابْنُ عَلِيٍّ قَالَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ عُقْبَةَ عَنْ

3497. It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ conducted the procedure of *Li'ân* between the 'Ajlânî and his wife, who was pregnant." (*Ṣaḥîḥ*)

أَبِي الزِّنَادِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَاعَنَ رَسُولُ اللهِ ﷺ بَيْنَ الْعَجْلَانِيِّ وَامْرَأَتِهِ وَكَانَتْ حُبْلَى.

تخريج: [**إسناده صحيح**] وهو في الكبرى، ح:٥٦٦١، وهو متفق عليه من حديث أبي الزناد عن القاسم به بأصله * محمد هو المقدمي، وعمر عمه.

Comments:

1. If a woman becomes pregnant and her husband has certitude that the pregnancy is the result of adultery and not caused by him, he may go to the court of law to bring a suit against the woman. The court would summon the woman and bring about the invocation of the curse.
2. *Li'ân* is supplicating for the curse of Allâh upon the liar. Since, while swearing, man usually curses the liar, this process was named *Li'ân*.

Chapter 37. *Li'ân* Because Of The Man Accusing His Wife (Of Adultery) With A Specific Person

(المعجم ٣٧) - بَابُ اللِّعَانِ فِي قَذْفِ الرَّجُلِ زَوْجَتَهُ بِرَجُلٍ بِعَيْنِهِ (التحفة ٣٧)

3498. It was narrated that Muḥammad said: "I asked Anas bin Mâlik about that, as I thought that he had knowledge of that. He said: 'Hilâl bin Umayyah accused his wife (of committing adultery) with Sharîk bin As-Saḥmâ', who was the brother of Al-Barâ' bin Mâlik through his mother. He was the first one who engaged in the procedure of *Li'ân*. The Messenger of Allâh ﷺ conducted the procedure of *Li'ân* between them, then he said: "Look and see, if she produces a child who is white, with straight hair and *Qaḍiy'a* eyes,[1] then he belongs to Hilâl bin Umayyah, and if she produces a

٣٤٩٨ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدُ الْأَعْلَى قَالَ: سُئِلَ هِشَامٌ عَنِ الرَّجُلِ يَقْذِفُ امْرَأَتَهُ، فَحَدَّثَنَا هِشَامٌ عَنْ مُحَمَّدٍ قَالَ: سَأَلْتُ أَنَسَ بْنَ مَالِكٍ عَنْ ذٰلِكَ وَأَنَا أَرَى أَنَّ عِنْدَهُ مِنْ ذٰلِكَ عِلْمًا، فَقَالَ: إِنَّ هِلَالَ بْنَ أُمَيَّةَ قَذَفَ امْرَأَتَهُ بِشَرِيكِ بْنِ السَّحْمَاءِ، وَكَانَ أَخُو الْبَرَاءِ بْنِ مَالِكٍ لِأُمِّهِ، وَكَانَ أَوَّلَ مَنْ لَاعَنَ، فَلَاعَنَ رَسُولُ اللهِ ﷺ بَيْنَهُمَا، ثُمَّ قَالَ: «ابْصُرُوهُ فَإِنْ جَاءَتْ بِهِ أَبْيَضَ سَبِطًا قَضِيءَ الْعَيْنَيْنِ فَهُوَ لِهِلَالِ بْنِ أُمَيَّةَ، وَإِنْ جَاءَتْ بِهِ أَكْحَلَ جَعْدًا أَحْمَشَ السَّاقَيْنِ فَهُوَ لِشَرِيكِ بْنِ السَّحْمَاءِ» قَالَ:

[1] Ibn Al-Athîr (*An-Nihâyah*), Ibn Al-Manẓûr (*Lisân Al-'Arab*), An-Nawawî (*Sharḥ Muslim*), As-Suyûṭî, and As-Sindî, and Aṣ-Ṣan'ânî, all said it means his eyes are bad, due to redness, being too small, or excessive tearing, or the like. See the definition in the text after No. 3499.

child who has dark lines around his eyes, curly hair and narrow calves, then he belongs to Sharîk bin As-Saḥmâ'." I was told that she produced a child who has dark lines around his eyes, curly hair and narrow calves."' (*Sahîh*)

فَأُنْبِئْتُ أَنَّهَا جَاءَتْ بِهِ أَكْحَلَ جَعْدًا أَحْمَشَ السَّاقَيْنِ.

تخريج: أخرجه مسلم، اللعان، ح:١٤٩٦/١١ من حديث عبدالأعلى بن عبدالأعلى به، وهو في الكبرى، ح:٥٦٦٢ * هشام هو ابن حسان.

Comments:

We get to learn that Hilâl bin Umayyah told the truth. But since both the wife and the husband had taken the oath, Allâh's Messenger ﷺ did not punish the woman, because punishment is meted out based only on the testimony of the witnesses or confession. Here neither existed. In such situations, the punishment is consigned to the Will of Allâh.

Chapter 38. How *Li'ân* Is Carried Out

(المعجم ٣٨) - **كَيْفَ اللِّعَانُ** (التحفة ٣٨)

3499. It was narrated that Anas bin Mâlik said: "The first *Li'ân* in Islam was when Hilâl bin Umayyah accused Sharîk bin As-Saḥmâ' (of committing adultery) with his wife. He came to the Prophet ﷺ and told him about that. The Prophet ﷺ said: '(Bring) four witnesses, otherwise (you will feel) the *Hadd* punishment on your back.' And he repeated that several times. Hilâl said to him: 'By Allâh, O Messenger of Allâh! Allâh, the Mighty and Sublime, knows that I am telling the truth, and Allâh, the Mighty and Sublime, will certainly reveal to you that which will spare my back from the whip.' While they were like that, the Verse of *Li'ân* was revealed to him: As to those who accuse their wives.'[1] He called Hilâl and he bore witness four times by Allâh that he was telling the truth, and the fifth

٣٤٩٩ - أَخْبَرَنَا عِمْرَانُ بْنُ يَزِيدَ قَالَ: حَدَّثَنَا مَخْلَدُ بْنُ حُسَيْنٍ الْأَزْدِيُّ قَالَ: حَدَّثَنَا هِشَامُ بْنُ حَسَّانَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: إِنَّ أَوَّلَ لِعَانٍ كَانَ فِي الْإِسْلَامِ أَنَّ هِلَالَ بْنَ أُمَيَّةَ قَذَفَ شَرِيكَ بْنَ السَّحْمَاءِ بِامْرَأَتِهِ، فَأَتَى النَّبِيَّ ﷺ فَأَخْبَرَهُ بِذٰلِكَ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «أَرْبَعَةَ شُهَدَاءَ وَإِلَّا فَحَدٌّ فِي ظَهْرِكَ» يُرَدِّدُ ذٰلِكَ عَلَيْهِ مِرَارًا، فَقَالَ لَهُ هِلَالٌ: وَاللّٰهِ! يَا رَسُولَ اللهِ! إِنَّ اللهَ عَزَّ وَجَلَّ لَيَعْلَمُ أَنِّي صَادِقٌ وَلَيُنْزِلَنَّ اللهُ عَزَّ وَجَلَّ عَلَيْكَ مَا يُبَرِّىءُ ظَهْرِي مِنَ الْجَلْدِ، فَبَيْنَمَا هُمْ كَذٰلِكَ إِذْ نَزَلَتْ عَلَيْهِ آيَةُ اللِّعَانِ ﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ﴾ [النور: ٦] إِلَى آخِرِ الْآيَةِ، فَدَعَا هِلَالًا فَشَهِدَ أَرْبَعَ شَهَادَاتٍ بِاللهِ إِنَّهُ لَمِنَ الصَّادِقِينَ وَالْخَامِسَةَ أَنَّ لَعْنَةَ اللهِ عَلَيْهِ

[1] *An-Nûr* 24:6.

إِنْ كَانَ مِنَ الْكَاذِبِينَ، ثُمَّ دُعِيَتِ الْمَرْأَةُ فَشَهِدَتْ أَرْبَعَ شَهَادَاتٍ بِاللهِ أَنَّهُ لَمِنَ الْكَاذِبِينَ فَلَمَّا أَنْ كَانَ فِي الرَّابِعَةِ أَوِ الْخَامِسَةِ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «وَقِّفُوهَا فَإِنَّهَا مُوجِبَةٌ» فَتَلَكَّأَتْ حَتَّى مَا شَكَكْنَا أَنَّهَا سَتَعْتَرِفُ ثُمَّ قَالَتْ: لَا أَفْضَحُ قَوْمِي سَائِرَ الْيَوْمِ فَمَضَتْ عَلَى الْيَمِينِ، فَقَالَ رَسُولُ اللهِ ﷺ: «انْظُرُوهَا فَإِنْ جَاءَتْ بِهِ أَبْيَضَ سَبِطًا قَضِيءَ الْعَيْنَيْنِ فَهُوَ لِهِلَالِ بْنِ أُمَيَّةَ، وَإِنْ جَاءَتْ بِهِ آدَمَ جَعْدًا رَبْعًا حَمْشَ السَّاقَيْنِ فَهُوَ لِشَرِيكِ بْنِ السَّحْمَاءِ» فَجَاءَتْ بِهِ آدَمَ جَعْدًا رَبْعًا حَمْشَ السَّاقَيْنِ فَقَالَ رَسُولُ اللهِ ﷺ: «لَوْلَا مَا سَبَقَ فِيهَا مِنْ كِتَابِ اللهِ لَكَانَ لِي وَلَهَا شَأْنٌ». قَالَ الشَّيْخُ: والْقَضِيءُ العَيْنِ: طَوِيلُ شَعْرِ الْعَيْنَيْنِ لَيْسَ بِمَفْتُوحِ الْعَيْنِ وَلَا جَاحِظِهَا، وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

time he invoked the curse of Allâh upon him if he were lying. Then he called the woman and she bore witness four times by Allâh that he was lying. When it came to the fourth or fifth time, the Messenger of Allâh ﷺ said: 'Stop her, for it will inevitably bring the punishment of Allâh upon the liar.' She hesitated until we thought that she was going to confess, then she said: 'I will not dishonor my people today.' Then she went ahead with the oath. The Messenger of Allâh ﷺ said: 'Wait and see. If she produces a child who is white, with straight hair and *Qaḍiy'a* eyes, then he belongs to Hilâl bin Umayyah, but if she produces a child who is dark with curly hair, of average size and with narrow calves, then he belongs to Sharîk bin As-Saḥmâ'.' She produced a child who was dark with curly hair, of average size and with narrow calves. The Messenger of Allâh ﷺ said: 'Had not the matter been settled by the Book of Allâh, I would have punished her severely.'" (*Ṣaḥîḥ*)

The Shaikh[1] said: *Qaḍiy'a* eye: Long eye lashes, not the opening of the eye or their protrusion. And Allâh, Glorious is He and Most High, knows best. (*Ṣaḥîḥ*)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرىٰ، ح: ٥٦٦٣ .

Comments:

1. 'Punishment on your back': because the accuser shall be whipped for accusing a person of adultery without proof (*Qadhf*).
2. 'Oath for the fifth time': The wife's fifth oath would be: 'if he (my husband) is truthful, the curse of Allâh be upon me.'

[1] It is apparent that it refers to An-Nasâ'î.

3. When such allegation is made four witnesses are required.

Chapter 39. The *Imâm* Saying: "O Allâh, Make It Clear To Me"

(المعجم ٣٩) - بَابُ قَوْلِ الْإِمَامِ اللَّهُمَّ! بَيِّنْ (التحفة ٣٩)

3500. It was narrated that Ibn 'Abbâs said: "Mention of *Li'ân* was made in the presence of the Messenger of Allâh ﷺ and 'Âṣim bin 'Adiyy said something about that, then he went away. A man from among his people came to him, complaining that he had found a man with his wife. 'Âṣim said: 'I was only put to this test because of what I said.' He took him to the Messenger of Allâh ﷺ and told him of the situation in which he found his wife. That man was pale and slim with straight hair, and the one whom he claimed to have found with his wife was dark and well built. The Messenger of Allâh ﷺ said: 'O Allâh, make it clear to me.' Then she gave birth to a child who resembled the one whom her husband said he had found with her. So the Messenger of Allâh ﷺ conducted the procedure of *Li'ân* between them." A man in the gathering said to Ibn 'Abbâs: "Was she the one of whom the Messenger of Allâh ﷺ said: 'If I were to have stoned anyone without evidence I would have stoned this one?'" Ibn 'Abbâs said: "No, that was a woman who used to do mischief even after becoming Muslim." (*Ṣaḥîḥ*)

٣٥٠٠ - أَخْبَرَنَا عِيسَى بْنُ حَمَّادٍ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ الْقَاسِمِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: ذُكِرَ التَّلَاعُنُ عِنْدَ رَسُولِ اللهِ ﷺ فَقَالَ عَاصِمُ بْنُ عَدِيٍّ فِي ذٰلِكَ قَوْلًا ثُمَّ انْصَرَفَ، فَأَتَاهُ رَجُلٌ مِنْ قَوْمِهِ يَشْكُو إِلَيْهِ أَنَّهُ وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا، قَالَ عَاصِمٌ: مَا ابْتُلِيتُ بِهٰذَا إِلَّا بِقَوْلِي، فَذَهَبَ بِهِ إِلَى رَسُولِ اللهِ ﷺ فَأَخْبَرَهُ بِالَّذِي وَجَدَ عَلَيْهِ امْرَأَتَهُ، وَكَانَ الرَّجُلُ ذٰلِكَ مُصْفَرًّا قَلِيلَ اللَّحْمِ سَبِطَ الشَّعَرِ، وَكَانَ الَّذِي ادَّعَى عَلَيْهِ أَنَّهُ وَجَدَهُ عِنْدَ أَهْلِهِ آدَمَ خَدْلًا كَثِيرَ اللَّحْمِ، فَقَالَ رَسُولُ اللهِ ﷺ: «اللَّهُمَّ! بَيِّنْ»! فَوَضَعَتْ شَبِيهًا بِالرَّجُلِ الَّذِي ذَكَرَ زَوْجُهَا أَنَّهُ وَجَدَهُ عِنْدَهَا، فَلَاعَنَ رَسُولُ اللهِ ﷺ بَيْنَهُمَا. فَقَالَ رَجُلٌ لِابْنِ عَبَّاسٍ فِي الْمَجْلِسِ: أَهِيَ الَّتِي قَالَ رَسُولُ اللهِ ﷺ: لَوْ رَجَمْتُ أَحَدًا بِغَيْرِ بَيِّنَةٍ رَجَمْتُ هٰذِهِ؟ قَالَ ابْنُ عَبَّاسٍ: لَا، تِلْكَ امْرَأَةٌ كَانَتْ تُظْهِرُ فِي الْإِسْلَامِ الشَّرَّ.

تخريج: أخرجه مسلم، اللعان، ح:١٤٩٧/١٢ عن عيسى بن حماد، والبخاري، الطلاق، باب قول النبي ﷺ: "لو كنت راجمًا بغير بينة"، ح:٥٣١٠ من حديث الليث بن سعد به، وهو في الكبرى، ح:٥٦٦٤ .

٣٥٠١ - أَخْبَرَنِي يَحْيَى بْنُ مُحَمَّدِ بْنِ السَّكَنِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَهْضَمٍ عَنْ إِسْمَاعِيلَ بْنِ جَعْفَرٍ، عَنْ يَحْيَى قَالَ: سَمِعْتُ عَبْدَ الرَّحْمٰنِ بْنَ الْقَاسِمِ يُحَدِّثُ عَنْ أَبِيهِ، عَنْ عَبْدِ اللهِ بْنِ عَبَّاسٍ أَنَّهُ قَالَ: ذُكِرَ التَّلَاعُنُ عِنْدَ رَسُولِ اللهِ ﷺ فَقَالَ عَاصِمُ بْنُ عَدِيٍّ فِي ذٰلِكَ قَوْلًا ثُمَّ انْصَرَفَ، فَلَقِيَهُ رَجُلٌ مِنْ قَوْمِهِ فَذَكَرَ أَنَّهُ وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا، فَذَهَبَ بِهِ إِلَى رَسُولِ اللهِ ﷺ فَأَخْبَرَهُ بِالَّذِي وَجَدَ عَلَيْهِ امْرَأَتَهُ، وَكَانَ ذٰلِكَ الرَّجُلُ مُصْفَرًّا قَلِيلَ اللَّحْمِ سَبِطَ الشَّعْرِ، وَكَانَ الَّذِي ادَّعَى عَلَيْهِ أَنَّهُ وَجَدَ عِنْدَ أَهْلِهِ آدَمَ خَدْلًا كَثِيرَ اللَّحْمِ جَعْدًا قَطَطًا، فَقَالَ رَسُولُ اللهِ ﷺ: «اللَّهُمَّ! بَيِّنْ» فَوَضَعَتْ شَبِيهًا بِالَّذِي ذَكَرَ زَوْجُهَا أَنَّهُ وَجَدَهُ عِنْدَهَا، فَلَاعَنَ رَسُولُ اللهِ ﷺ بَيْنَهُمَا، فَقَالَ رَجُلٌ لِابْنِ عَبَّاسٍ فِي الْمَجْلِسِ: أَهِيَ الَّتِي قَالَ رَسُولُ اللهِ ﷺ: لَوْ رَجَمْتُ أَحَدًا بِغَيْرِ بَيِّنَةٍ رَجَمْتُ هٰذِهِ؟ قَالَ ابْنُ عَبَّاسٍ: لَا، تِلْكَ امْرَأَةٌ كَانَتْ تُظْهِرُ الشَّرَّ فِي الْإِسْلَامِ.

3501. It was narrated that 'Abdullâh bin 'Abbâs said: "Mention of *Li'ân* was made in the presence of the Messenger of Allâh ﷺ and 'Âṣim bin 'Adiyy said something about that, then he went away. He was met by a man from among his people who told him that he had found a man with his wife. He took him to the Messenger of Allâh ﷺ and told him of the situation in which he found his wife. That man was pale and slim with straight hair, and the one whom he claimed to have found with his wife was dark and well built, with very curly hair. The Messenger of Allâh ﷺ said: 'O Allâh, make it clear to me.' Then she gave birth to a child who resembled the one whom her husband said he had found with her. So the Messenger of Allâh ﷺ conducted the procedure of *Li'ân* between them." A man in the gathering said to Ibn 'Abbâs: "Was she the one of whom the Messenger of Allâh ﷺ said: 'If I were to have stoned anyone without evidence I would have stoned this one?'" Ibn 'Abbâs said: "No, that was a woman who used to do mischief even after becoming Muslim." (*Ṣaḥîḥ*)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح: ٥٦٦٥ .

Chapter 40. The Command To Place The Hand Over The Mouth Of The Two Who Are Engaging In *Li'ân* When They Utter The Fifth Oath

(المعجم ٤٠) - **بَابُ الْأَمْرِ بِوَضْعِ الْيَدِ عَلَى فِي الْمُتَلَاعِنَيْنِ عِنْدَ الْخَامِسَةِ** (التحفة ٤٠)

3502. It was narrated from Ibn 'Abbâs: "When the Prophet ﷺ commanded the two who were engaging in *Li'ân* to utter the fifth oath, he commanded a man to place his hand over his mouth, and he said: "It will inevitably bring the punishment upon the liar."[1] (*Ṣaḥîḥ*)

٣٥٠٢ - أَخْبَرَنَا عَلِيُّ بْنُ مَيْمُونٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَاصِمِ بْنِ كُلَيْبٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ أَمَرَ رَجُلًا حِينَ أَمَرَ الْمُتَلَاعِنَيْنِ أَنْ يَتَلَاعَنَا أَنْ يَضَعَ يَدَهُ عِنْدَ الْخَامِسَةِ عَلَى فِيهِ، وَقَالَ: إِنَّهَا مُوجِبَةٌ.

تخريج: [صحيح] أخرجه أبو داود، الطلاق، باب: في اللعان، ح:٢٢٥٥ من حديث سفيان بن عيينة به، وهو في الكبرى، ح:٥٦٦٦، ولأصل الحديث شواهد.

Comments:

Before the fifth oath, there is possibility of retraction; retraction is not possible after the fifth oath. Thereupon the matter is consigned to Allâh Most High. That is why a hand should be placed over the swearer's mouth that if he or she is lying, they should stop at that. A woman would place her hand upon a woman's mouth.

Chapter 41. The *Imâm* Exhorting The Man And Woman At The Time Of *Li'ân*

(المعجم ٤١) - **بَابُ عِظَةِ الْإِمَامِ الرَّجُلَ وَالْمَرْأَةَ عِنْدَ اللِّعَانِ** (التحفة ٤١)

3503. 'Abdul-Malik bin Abî Sulaimân said: "I heard Sa'eed bin Jubair say: 'I was asked about the two who engage in *Li'ân* during the governorship of Ibn Az-Zubair – should they be separated? I did not know what to say, so I got up and went to the house of Ibn 'Umar and said: "O Abû 'Abdur-Raḥmân, should the two who engage in *Li'ân*

٣٥٠٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ وَمُحَمَّدُ ابْنُ الْمُثَنَّى قَالَا: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ أَبِي سُلَيْمَانَ قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ يَقُولُ: سُئِلْتُ عَنِ الْمُتَلَاعِنَيْنِ فِي إِمَارَةِ ابْنِ الزُّبَيْرِ أَيُفَرَّقُ بَيْنَهُمَا؟ فَمَا دَرَيْتُ مَا أَقُولُ، فَقُمْتُ مِنْ مَقَامِي إِلَى

[1] The wordings of the text differ slightly from the wordings of the chapter heading, so take note. As-Sindî said: "Meaning the mouth of the man, who was involved in the *Li'an*. And it does not refer to the woman, except if he is a *Maḥram* to her." And the meaning of this *Ḥadîth* is similar to No. 3499, from Anas, where the Messenger of Allâh ﷺ said: "Stop her, for it will inevitably bring the punishment of Allâh upon the liar."

be separated?" He said: "Yes, *Subḥân-Allâh*! The first one who asked about that was so-and-so the son of so-and-so who said: 'O Messenger of Allâh, what do you think if a man among us sees his wife committing immoral actions, and if he speaks of it, he will be speaking of a grave matter, but if he keeps quiet, he will be keeping quiet about a grave matter?' He did not answer him, then after that, he came to him and said: 'I was tried with the matter that I asked you about, so Allâh, the Mighty and Sublime, revealed these Verses in *Sûrat An-Nûr*: 'And for those who accuse their wives until he reached': 'And the fifth (testimony) should be that the Wrath of Allâh be upon her if he (her husband) speaks the truth.'[1] So he started with the man, exhorting him, reminding him, and telling him that the punishment in this world was less severe than the punishment in the Hereafter. He said: 'By the One Who sent you with the truth, I am not lying.' Then he turned to the woman and exhorted her and reminded her. She said: 'By the One Who sent you with the truth, he is lying.' So he started with the man, and he bore witness four times by Allâh that he was telling the truth, and the fifth time (he invoked) the curse of Allâh upon himself if he was lying. Then he turned to the woman and she bore witness four times by Allâh that he was lying, and the fifth time (she invoked) the wrath of Allâh upon

مَنْزِلِ ابْنِ عُمَرَ فَقُلْتُ: يَا أَبَا عَبْدِ الرَّحْمٰنِ! الْمُتَلَاعِنَيْنِ أَيُفَرَّقُ بَيْنَهُمَا؟ قَالَ: نَعَمْ، سُبْحَانَ اللهِ! إِنَّ أَوَّلَ مَنْ سَأَلَ عَنْ ذٰلِكَ فُلَانُ بْنُ فُلَانٍ فَقَالَ: يَا رَسُولَ اللهِ! أَرَأَيْتَ - وَلَمْ يَقُلْ عَمْرٌو: أَرَأَيْتَ - الرَّجُلَ مِنَّا يَرَى عَلَى امْرَأَتِهِ فَاحِشَةً إِنْ تَكَلَّمَ فَأَمْرٌ عَظِيمٌ وَقَالَ عَمْرٌو: أَتَى أَمْرًا عَظِيمًا، وَإِنْ سَكَتَ سَكَتَ عَلَى مِثْلِ ذٰلِكَ، فَلَمْ يُجِبْهُ، فَلَمَّا كَانَ بَعْدَ ذٰلِكَ أَتَاهُ فَقَالَ: إِنَّ الْأَمْرَ الَّذِي سَأَلْتُكَ ابْتُلِيتُ بِهِ، فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ هٰؤُلَاءِ الْآيَاتِ فِي سُورَةِ النُّورِ ﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ﴾ حَتَّى بَلَغَ: ﴿وَالْخَامِسَةَ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِن كَانَ مِنَ الصَّادِقِينَ﴾ [النور: ٦-٩] فَبَدَأَ بِالرَّجُلِ فَوَعَظَهُ وَذَكَّرَهُ وَأَخْبَرَهُ أَنَّ عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ عَذَابِ الْآخِرَةِ، فَقَالَ: وَالَّذِي بَعَثَكَ بِالْحَقِّ! مَا كَذَبْتُ، ثُمَّ ثَنَّى بِالْمَرْأَةِ فَوَعَظَهَا وَذَكَّرَهَا فَقَالَتْ: وَالَّذِي بَعَثَكَ بِالْحَقِّ! إِنَّهُ لَكَاذِبٌ، فَبَدَأَ بِالرَّجُلِ فَشَهِدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ وَالْخَامِسَةَ أَنَّ لَعْنَةَ اللهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ، ثُمَّ ثَنَّى بِالْمَرْأَةِ فَشَهِدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ وَالْخَامِسَةَ أَنَّ غَضَبَ اللهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ، فَفَرَّقَ بَيْنَهُمَا.

[1] *An-Nûr* 24:6-9.

herself if he was telling the truth. Then he separated them." (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، اللعان، ح:١٤٩٣/ ٤ من حديث عبدالملك به، وهو في الكبرٰى، ح:٥٦٦٧، وأخرجه البخاري، ح: ٥٣٥٠ من حديث سعيد بن جبير به.

Comments:

1. 'Punishment of this world' means the *Hadd*. If the husband has lied, the penalty for hurling accusation would be eighty lashes, and if the wife has indulged in adultery, her penalty for adultery would be stoning to death. Whereas, the torment of the Hereafter is Hellfire, except what Allâh wills.
2. He ﷺ then effected separation between the two, because after such accusations, their remaining together as husband and wife is disgraceful, and this is an agreed upon issue.

Chapter 42. Separating The Two Who Engage In *Li'ân*

(المعجم ٤٢) - بَابُ التَّفْرِيقِ بَيْنَ الْمُتَلَاعِنَيْنِ (التحفة ٤٢)

3504. It was narrated that Sa'eed bin Jubair said: "Al-Muṣ'ab did not separate the two who engaged in *Li'ân*." Sa'eed said: "I mentioned that to Ibn 'Umar and he said: 'The Messenger of Allâh ﷺ separated the couple from Banu 'Ajlân." (*Ṣaḥîḥ*)

٣٥٠٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ وَمُحَمَّدُ ابْنُ الْمُثَنَّى - وَاللَّفْظُ لَهُ - قَالَا: حَدَّثَنَا مُعَاذُ ابنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ عَزْرَةَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: لَمْ يُفَرِّقِ الْمُصْعَبُ بَيْنَ الْمُتَلَاعِنَيْنِ، قَالَ سَعِيدٌ: فَذَكَرْتُ ذٰلِكَ لِابْنِ عُمَرَ فَقَالَ: فَرَّقَ رَسُولُ اللهِ ﷺ بَيْنَ أَخَوَيْ بَنِي الْعَجْلَانِ.

تخريج: أخرجه مسلم، اللعان: ١٤٩٣/ ٧ عن محمد بن المثنى به، وهو في الكبرٰى، ح: ٥٦٦٨.

Comments:

Mus'ab refers to Mus'ab bin Zubayr. He was the brother of Abdullah bin Zubair and was the governor of Iraq on behalf of Abdullah bin Zubair.

Chapter 43. Asking The Two Who Engaged In *Li'ân* To Repent After *Li'ân*

(المعجم ٤٣) - اسْتِتَابَةُ الْمُتَلَاعِنَيْنِ بَعْدَ اللِّعَانِ (التحفة ٤٣)

3505. It was narrated from Ayyûb, that Sa'eed bin Jubair said: "I said to Ibn 'Umar: 'A man accused his wife.' He said: 'The Messenger of Allâh ﷺ separated the couple from Banu 'Ajlân and said: Allâh knows that one of you is lying, so will

٣٥٠٥ - أَخْبَرَنَا زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ عَنْ أَيُّوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: قُلْتُ لِابْنِ عُمَرَ: رَجُلٌ قَذَفَ امْرَأَتَهُ، قَالَ: فَرَّقَ رَسُولُ اللهِ ﷺ بَيْنَ أَخَوَيْ بَنِي الْعَجْلَانِ وَقَالَ: «اللّٰهُ يَعْلَمُ أَنَّ أَحَدَكُمَا،

كَاذِبٌ فَهَلْ مِنْكُمَا تَائِبٌ؟» قَالَ لَهُمَا ثَلَاثًا فَأَبَيَا، فَفَرَّقَ بَيْنَهُمَا. قَالَ أَيُّوبُ: وقَالَ عَمْرُو ابْنُ دِينَارٍ: إِنَّ فِي هٰذَا الْحَدِيثِ شَيْئًا لَا أَرَاكَ تُحَدِّثُ بِهِ، قَالَ: قَالَ الرَّجُلُ: مَالِي، قَالَ: «لَا مَالَ لَكَ إِنْ كُنْتَ صَادِقًا فَقَدْ دَخَلْتَ بِهَا، وَإِنْ كُنْتَ كَاذِبًا فَهِيَ أَبْعَدُ مِنْكَ».

either of you repent? He said that to them three times and they did not respond, then he separated them.'" (One of the narrators) Ayyûb said: "Amr bin Dînâr said: 'In this *Hadîth* there is something that I think you are not narrating.' He said: 'The man said: My wealth. He said: You are not entitled to any wealth. If you are telling the truth, you have consummated the marriage with her,[1] and if you are lying then you are even less entitled to it.'" (***Sahîh***)

تخريج: أخرجه البخاري، الطلاق، باب صداق الملاعنة، ح:٥٣١١ من حديث ابن علية، ومسلم، اللعان، ح:١٤٩٣/٦ من حديث أيوب السختياني به، وهو في الكبرٰى، ح:٥٦٦٩.

Comments:

'My wealth': His design was that since this marriage is being ended on account of the woman's crime, I should get back the dower that I paid her at the time of marriage. The gist of the Prophet's ﷺ command is that there is no certitude concerning your lying or telling the truth. It is possible you are truthful, and it is also possible she is guiltless. Therefore, the dower cannot be returned. If you are truthful, you have benefited a lot from her. Hence, the demand of dower does not behove you.

Chapter 44. Can The Two Who Have Engaged In The Procedure Of *Li'ân* Stay Together?

(المعجم ٤٤) - اجْتِمَاعُ الْمُتَلَاعِنَيْنِ (التحفة ٤٤)

٣٥٠٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو قَالَ: سَمِعْتُ سَعِيدَ ابْنَ جُبَيْرٍ يَقُولُ: سَأَلْتُ ابْنَ عُمَرَ عَنِ الْمُتَلَاعِنَيْنِ فَقَالَ: قَالَ رَسُولُ اللهِ ﷺ لِلْمُتَلَاعِنَيْنِ: «حِسَابُكُمَا عَلَى اللهِ، أَحَدُكُمَا كَاذِبٌ، [وَ]لَا سَبِيلَ لَكَ عَلَيْهَا» قَالَ: يَا رَسُولَ اللهِ! مالي، قَالَ: «لَا مَالَ لَكَ، إِنْ

3506. It was narrated that 'Amr said: "I heard Sa'eed bin Jubair say: 'I asked Ibn 'Umar about the two who engage in *Li'ân*.' He said: 'The Messenger of Allâh ﷺ said to the two who engaged in *Li'ân*: Your reckoning will be with Allâh. One of you is lying, and you cannot stay with her. He said: O Messenger of Allâh, my wealth! He said: You are not entitled to any wealth. If you are

[1] Meaning, so, she is entitled to the *Mahr*.

telling the truth about her, then it is in return for having been allowed intimacy with her, and if you are lying then you are even less entitled to it." (*Ṣaḥîḥ*)

كُنْتَ صَدَقْتَ عَلَيْهَا فَهُوَ بِمَا اسْتَحْلَلْتَ مِنْ فَرْجِهَا، وَإِنْ كُنْتَ كَذَبْتَ عَلَيْهَا فَذَاكَ أَبْعَدُ لَكَ».

تخريج: أخرجه البخاري، الطلاق، باب المتعة للتي لم يفرض لها ... إلخ، ح: ٥٣٥٠، ومسلم، اللعان، ح: ٥/١٤٩٣ من حديث سفيان بن عيينة به، وهو في الكبرى، ح: ٥٦٧٠.

Comments:

In no circumstances could they remarry. This is the view of the majority of the people of knowledge. It has, however, been attributed to Imâm Abû Hanifah that he did not see it as absolute. And Allâh knows best.

Chapter 45. Denying The Child Through *Li'ân*, And Attributing Him To His Mother

(المعجم ٤٥) - **بَابُ نَفْيِ الْوَلَدِ بِاللِّعَانِ وَإِلْحَاقِهِ بِأُمِّهِ** (التحفة ٤٥)

3507. It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ conducted the procedure of *Li'ân* between a man and his wife, and he separated them and attributed the child to his mother." (*Ṣaḥîḥ*)

٣٥٠٧ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا مَالِكٌ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: لَاعَنَ رَسُولُ اللهِ ﷺ بَيْنَ رَجُلٍ وَامْرَأَتِهِ، وَفَرَّقَ بَيْنَهُمَا، وَأَلْحَقَ الْوَلَدَ بِالأُمِّ.

تخريج: أخرجه مسلم، اللعان، ح: ٨/١٤٩٤ عن قتيبة، والبخاري، الطلاق، باب: يلحق الولد بالملاعنة، ح: ٥٣١٥ من حديث مالك به، وهو في الكبرى، ح: ٥٦٧١، والموطأ (يحيى): ٢/٥٦٧.

Comments:

Because the real contention was the child itself, the husband had been refuting any suggestion that the child was his. The mother, however, could never deny it. Hence, the child would be handed over to her. And the child would be attributed to the mother. This is because the husband is refusing to admit the paternity of the child, and paternity cannot be proved with an adulterer.

Chapter 46. If A Man Hints An Accusation About His Wife, And Wanted To Disown The Child

(المعجم ٤٦) - **بَابٌ: إِذَا عَرَّضَ بِامْرَأَتِهِ وَشَكَّ فِي وَلَدِهِ وَأَرَادَ الانْتِفَاءَ مِنْهُ** (التحفة ٤٦)

3508. It was narrated from Abû Hurairah that a man from Banu Fazârah came to the Messenger of Allâh ﷺ and said: "My wife has given birth to a black boy." The

٣٥٠٨ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا مِنْ بَنِي

Messenger of Allâh ﷺ said: "Do you have camels?" He said: "Yes." He said: "What color are they?" He said: "Red." He said: "Are there any gray ones among them?" He said: "There are some gray ones among them." He said: "Where do you think they come from?" He said: "Perhaps it is hereditary." He said: "Likewise, perhaps this is hereditary." (*Sahîh*)

فَزَارَةَ أَتَى رَسُولَ اللهِ ﷺ فَقَالَ: إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا أَسْوَدَ، فَقَالَ رَسُولُ اللهِ ﷺ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ، قَالَ: «فَمَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا مِنْ أَوْرَقَ؟» قَالَ: إِنَّ فِيهَا لَوُرْقًا، قَالَ: «فَأَنَّى تَرَى أَتَى ذٰلِكَ؟» قَالَ: عَسَى أَنْ يَكُونَ نَزَعَهُ عِرْقٌ، فَقَالَ رَسُولُ اللهِ ﷺ: «وَهٰذَا عَسَى أَنْ يَكُونَ نَزَعَهُ عِرْقٌ».

تخريج: أخرجه مسلم، اللعان، ح:١٨/١٥٠٠ من حديث سفيان بن عيينة به، وهو في الكبرٰى، ح:٥٦٧٢.

Comments:

This man had doubt lest the child be illegitimate. But since he did not explicitly charge his wife with adultery or refute the child's paternity, the need for *Li'an* did not arise. He, however, placed the issue before the Prophet ﷺ that from the dimension of comprehension, the child is totally different. Allâh's Messenger ﷺ removed his confusion by giving an extremely clear example, that sometimes the child resembles to a distant genealogical father. "It is possible one of your grandfathers or great grandfathers might have been dark."

3509. It was narrated that Abû Hurairah said: "A man from Banu Fazârah came to the Prophet ﷺ and said: 'My wife has given birth to a black boy' – and he wanted to disown him. He said: 'Do you have camels?' He said: 'Yes.' He said: 'What color are they?' He said: 'Red.' He said: 'Are there any gray ones among them?' He said: 'There are some gray camels among them.' He said: 'Why is that do you think?' He said: 'Perhaps it is hereditary.' He said: 'Perhaps this is hereditary.' And he did not permit him to disown him." (*Sahîh*)

٣٥٠٩ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ بَزِيعٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ مِنْ بَنِي فَزَارَةَ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا أَسْوَدَ، - وَهُوَ يُرِيدُ الْإِنْتِفَاءَ مِنْهُ - فَقَالَ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ، قَالَ: «مَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «هَلْ فِيهَا مِنْ أَوْرَقَ؟» قَالَ: فِيهَا ذَوْدُ وُرْقٍ، قَالَ: «فَمَا ذَلِكَ تُرَى؟» قَالَ: لَعَلَّهُ أَنْ يَكُونَ نَزَعَهَا عِرْقٌ، قَالَ: «فَلَعَلَّ هٰذَا [أَنْ] يَكُونَ نَزَعَهُ عِرْقٌ» قَالَ: فَلَمْ يُرَخِّصْ لَهُ فِي الْانْتِفَاءِ مِنْهُ.

تخريج: أخرجه مسلم، ح:١٩/١٥٠٠ من حديث معمر به (انظر الحديث السابق)، وهو في الكبرٰى، ح:٥٦٧٣.

3510. It was narrated that Abû Hurairah said: "While we were with the Prophet ﷺ, a man stood up and said: 'O Messenger of Allâh, a black boy has been born to me.' The Messenger of Allâh ﷺ said: 'How did that happen?' He said: 'I do not know.' He said: 'Do you have camels?' He said: 'Yes.' He said: 'What color are they?' He said: 'Red.' He said: 'Are there any gray camels among them?' He said: 'There are some gray camels among them.' He said: 'Where do they come from?' He said: 'I do not know O Allâh's Messenger! Perhaps it is hereditary.' He said: 'Perhaps this is also a hereditary.' Because of this, the Messenger of Allâh ﷺ decreed the following: 'It is not allowed for a man, to disown a child who was born on his bed, unless he claimed that he had seen an immoral act (*Fahishah*).'" (*Sahîh*)

٣٥١٠ - أَخْبَرَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْمُغِيرَةِ قَالَ: حَدَّثَنَا أَبُو حَيْوَةَ - حِمْصِيٌّ - قَالَ: أَخْبَرَنَا شُعَيْبُ بْنُ أَبِي حَمْزَةَ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: بَيْنَمَا نَحْنُ عِنْدَ رَسُولِ اللهِ ﷺ قَامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللهِ! إِنِّي وُلِدَ لِي غُلَامٌ أَسْوَدُ، فَقَالَ رَسُولُ اللهِ ﷺ: «فَأَنَّى كَانَ ذٰلِكَ؟» قَالَ: مَا أَدْرِي، قَالَ: «فَهَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ، قَالَ: «فَمَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا جَمَلٌ أَوْرَقُ؟» قَالَ: فِيهَا إِبِلٌ وُرْقٌ، قَالَ: «فَأَنَّى كَانَ ذٰلِكَ؟» قَالَ: مَا أَدْرِي يَا رَسُولَ اللهِ! إِلَّا أَنْ يَكُونَ نَزَعَهُ عِرْقٌ، قَالَ: «وَهٰذَا لَعَلَّهُ نَزَعهُ عِرْقٌ». فَمِنْ أَجْلِهِ قَضَى رَسُولُ اللهِ ﷺ هٰذَا: «لَا يَجُوزُ لِرَجُلٍ أَنْ يَنْتَفِيَ مِنْ وَلَدٍ وُلِدَ عَلَى فِرَاشِهِ إِلَّا أَنْ يَزْعُمَ أَنَّهُ رَأَى فَاحِشَةً».

تخريج: [صحيح] وهو في الكبرى، ح: ٥٦٧٤، وانظر الحديث السابق.

Comments:

1. Several kinds of resemblances could be found in a newborn child genealogically - distant or near. Hence, a child cannot be disowned on account of color, complexion, eyes, or features, unless there is certitude of adultery - with an eye of certainty. If someone negates the child, he shall have to perform *Li'an*, or would be considered worthy of the punishment of *Hadd*.
2. 'On his bed' means born to his wife or his slave woman.

Chapter 47. Stern Warning Against Disowning One's Child

(المعجم ٤٧) - **بَابُ التَّغْلِيظِ فِي الانْتِفَاءِ مِنَ الْوَلَدِ** (التحفة ٤٧)

3511. It was narrated from Abû Hurairah that he heard the Messenger of Allâh ﷺ say when the Verse of *Mulâ'anah* (*Li'ân*) was revealed: "Any woman who falsely

٣٥١١ - أَخْبَرَنَا مُحَمَّدُ بنُ عَبْدِ اللهِ بْنِ عَبْدِ الْحَكَمِ عَنْ شُعَيْبٍ قَالَ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ الْهَادِ، عَنْ عَبْدِ اللهِ بْنِ يُونُسَ، عَنْ سَعِيدِ بْنِ أَبِي

attributes a man[1] to people to whom he does not belong, has no share from Allâh, and Allâh will not admit her to His Paradise. Any man who denies his son while looking at him (knowing that he is indeed his son), Allâh, the Mighty and Sublime, will cast him away, and disgrace him before the first and the last on the Day of Resurrection." (*Hasan*)

سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ: أَنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ يَقُولُ حِينَ نَزَلَتْ آيَةُ الْمُلَاعَنَةِ: «أَيُّمَا امْرَأَةٍ أَدْخَلَتْ عَلَى قَوْمٍ رَجُلًا لَيْسَ مِنْهُمْ فَلَيْسَتْ مِنَ اللهِ فِي شَيْءٍ، وَلَا يُدْخِلُهَا اللهُ جَنَّتَهُ، وأَيُّمَا رَجُلٍ جَحَدَ وَلَدَهُ وَهُوَ يَنْظُرُ إِلَيْهِ احْتَجَبَ اللهُ عَزَّ وَجَلَّ مِنْهُ وَفَضَحَهُ عَلَى رُءُوسِ الْأَوَّلِينَ وَالْآخِرِينَ يَوْمَ الْقِيَامَةِ».

تخريج: [**إسناده حسن**] أخرجه أبو داود، الطلاق، باب التغليظ في الانتفاء، ح:٢٢٦٣ من حديث يزيد بن عبدالله بن الهاد به، وهو في الكبرٰى، ح:٥٦٧٥، وصححه الدارقطني، والحاكم على شرط مسلم:٢/ ٢٠٢، ٢٠٣، ووافقه الذهبي * عبدالله بن يونس حسن الحديث على الراجح.

Comments:

1. 'To whom he does not belong' means it is the result of adultery, but the woman ascribes it to her husband.
2. 'She has nothing to do with Allâh': The meaning is that it is a great sin, it could become the cause of one's deprivation of Allâh's mercy. Or it could be the explanation of the sentence that follows: 'Allâh will not admit her into Paradise'.
3. 'When he is looking at him': It could be 'when the man is looking at the child, thinking: "This is my child!'

Chapter 48. Attributing The Child To The Bed If The Owner Of The Bed Does Not Disown Him

(المعجم ٤٨) - **بَابُ إِلْحَاقِ الْوَلَدِ بِالْفِرَاشِ إِذَا لَمْ يَنْفِهِ صَاحِبُ الْفِرَاشِ** (التحفة ٤٨)

3512. It was narrated from Abû Hurairah that the Prophet ﷺ said: "The child is the bed's[2] and for the fornicator is the stone." (*Sahîh*)

٣٥١٢ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ».

تخريج: أخرجه مسلم، الرضاع، باب الولد للفراش وتوقي الشبهات، ح:١٤٥٨ من حديث سفيان بن عيينة به، وهو في الكبرٰى، ح:٥٦٧٦.

[1] Meaning, a child born of adultery.

[2] That is – the man to whom the woman is actually married. He lies on her as a bed is laid upon.

Comments:

1. The child born to a married woman would be conceived as belonging to her husband. In the same way, a child born to a slave woman would be conceived as belonging to her owner, unless the husband or the owner negates it, irrespective of whether there is probable proof of the child being illegitimate. This is because the child's legitimacy or illegitimacy is a concealed matter. It *is difficult to get to the bottom of it.*
2. 'The stone' It means: "Nothing," and some say it means punishment.

3513. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "The child is the bed's and for the fornicator is the stone." (*Ṣaḥîḥ*)

٣٥١٣ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ عَنْ عَبْدِ الرَّزَّاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللهِ ﷺ قَالَ: «الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ».

تخريج: أخرجه مسلم من حديث عبدالرزاق به (انظر الحديث السابق)، وهو في الكبرٰى، ح: ٥٦٧٧.

3514. It was narrated that 'Âishah said: "Sa'd bin Abî Waqqâṣ and 'Abd bin Zam'ah disputed over a boy. Sa'd said: 'O Messenger of Allâh! This is the son of my brother 'Utbah bin Abî Waqqâṣ, who made me promise to look after him because he is his son. Look at whom he resembles.' 'Abd bin Zam'ah said: 'He is my brother who was born on my father's bed to his slave woman.' The Messenger of Allâh ﷺ looked to determine at whom he resembled, and saw that he resembled 'Utbah. He said: 'He is for you O 'Abd! The child is the bed's and for the fornicator is the stone. Veil yourself from him, O Sawdah bint Zam'ah.' And he never saw Sawdah again." (*Ṣaḥîḥ*)

٣٥١٤ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: اخْتَصَمَ سَعْدُ بْنُ أَبِي وَقَّاصٍ وَعَبْدُ بْنُ زَمْعَةَ فِي غُلَامٍ فَقَالَ سَعْدٌ: هٰذَا يَا رَسُولَ اللهِ! ابْنُ أَخِي عُتْبَةَ بْنِ أَبِي وَقَّاصٍ عَهِدَ إِلَيَّ أَنَّهُ ابْنُهُ انْظُرْ إِلَى شَبَهِهِ، وَقَالَ عَبْدُ بنُ زَمْعَةَ: أَخِي وُلِدَ عَلَى فِرَاشِ أَبِي مِنْ وَلِيدَتِهِ، فَنَظَرَ رَسُولُ اللهِ ﷺ إِلَى شَبَهِهِ فَرَأَى شَبَهًا بَيِّنًا بِعُتْبَةَ فَقَالَ: «هُوَ لَكَ يَا عَبْدُ! الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ، وَاحْتَجِبِي مِنْهُ يَا سَوْدَةُ بِنْتَ زَمْعَةَ!» فَلَمْ يَرَ سَوْدَةَ قَطُّ.

تخريج: أخرجه البخاري، البيوع، باب شراء المملوك من الحربي وهبته وعتقه، ح: ٢٢١٨، ومسلم، الرضاع، باب الولد للفراش وتوقي الشبهات، ح: ١٤٥٧ عن قتيبة به، وهو في الكبرٰى، ح: ٥٦٧٨ * الليث هو ابن سعد.

Comments:

1. The disputed child was born to the slave woman of Zam'ah. In fact he was fathered by Utbah. During the period of ignorance (*Jahiliyyah*), children born adulterously to slave-girls were attributed to the claiming adulterer. The claim made by Sa'd had its roots in the custom of the past. But Islam ended this ignominious practice, so that now the child shall not be attributed to the adulterer. If the husband of the woman, or her owner makes no denial, the child will be considered his. If he negates, the child shall be attributed to the mother who has given it birth.
2. Allâh's Messenger's ﷺ wife Sawdah was also the daughter of Zam'ah. On account of this relation, the child was in a way, her brother. But since he was in reality fathered by Utbah, Sawdah was commanded to observe *Ḥijâb* from him, in spite of his being a blood brother to her, because he was not a legitimate brother. This dispute had taken place at the time of the Conquest of Makkah.

3515. It was narrated that 'Abdullâh bin Az-Zubair said: "Zam'ah had a slave woman with whom he used to have intercourse, but he suspected that someone else was also having intercourse with her. She gave birth to a child who resembled the one whom he suspected. Zam'ah died when she was pregnant, and Sawdah mentioned that to the Messenger of Allâh ﷺ. The Messenger of Allâh ﷺ said: 'The child is the bed's, but veil yourself from him, O Sawdah, for he is not a brother of yours.'" (***Ḥasan***)

٣٥١٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ يُوسُفَ بْنِ الزُّبَيْرِ مَوْلًى لَهُمْ، عَنْ عَبْدِ اللهِ بْنِ الزُّبَيْرِ قَالَ: كَانَتْ لِزَمْعَةَ جَارِيَةٌ [يَطَؤُهَا] هُوَ، وَكَانَ يُظَنُّ بِآخَرَ يَقَعُ عَلَيْهَا، فَجَاءَتْ بِوَلَدٍ شِبْهِ الَّذِي كَانَ يُظَنُّ بِهِ، فَمَاتَ زَمْعَةُ وَهِيَ حُبْلَى، فَذَكَرَتْ ذٰلِكَ سَوْدَةُ لِرَسُولِ اللهِ ﷺ فَقَالَ رَسُولُ اللهِ ﷺ: «الْوَلَدُ لِلْفِرَاشِ، وَاحْتَجِبِي مِنْهُ يَا سَوْدَةُ! فَلَيْسَ لَكِ بِأَخٍ».

تخريج: [إسناده حسن] أخرجه الحاكم: ٤/ ٩٧ من حديث إسحاق بن إبراهيم به، وصححه، ووافقه الذهبي، وهو في الكبرٰى، ح: ٥٦٧٩ * جرير هو ابن عبدالحميد، ويوسف حسن الحديث، حسن له الحافظ في الفتح: ١٢/ ٣٧، وصحح له ابن التركماني، والحاكم، والذهبي.

Comments:

'The child is the bed's': Now when the owner of the bed (owner of the slave woman) was deceased, there was no possibility of denial. Had he been alive and had denied the paternity of the child, the child would not have been ascribed to him. It would rather have been attributed to the slave woman.

3516. It was narrated from 'Abdullâh that the Messenger of Allâh ﷺ said: "The child is the

٣٥١٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مُغِيرَةَ، عَنْ أَبِي وَائِلٍ، عَنْ

bed's, and for the fornicator is the stone." (*Sahîh*)

Abû 'Abdur-Rahmân (An-Nasâ'î) said: I do not think that this is from 'Abdullâh bin Mas'ûd, and Allâh, Most High, knows best.

عَبْدِ اللهِ، عَنْ رَسُولِ اللهِ ﷺ قَالَ: «الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: وَلَا أَحْسِبُ هٰذَا عَنْ عَبْدِ اللهِ بْنِ مَسْعُودٍ، وَاللَّهُ تَعَالَى أَعْلَمُ.

تخريج: [**صحيح**] أخرجه ابن حبان، ح:١٣٣٦ من حديث جرير بن عبدالحميد به، وهو في الكبرٰى، ح:٥٦٨٠ * مغيرة هو ابن مقسم تقدم، ح:١٣٤٤، وللحديث شواهد كثيرة، تقدمت بعضها، ح:٣٥١٢، ٣٥١٣.

Chapter 49. The Bed Of The Slave Woman

(المعجم ٤٩) - بَابُ فِرَاشِ الأَمَةِ

(التحفة ٤٩)

3517. It was narrated that 'Âishah said: "Sa'd bin Abî Waqqâs and 'Abd bin Zam'ah disputed concerning a son of Zam'ah. Sa'd said: 'My brother 'Utbah urged me, if I came to Makkah: Look for the son of the slave woman of Zam'ah, for he is my son.' 'Abd bin Zam'ah said: 'He is the son of my father's slave woman who was born on my father's bed.' The Messenger of Allâh ﷺ saw that he resembled 'Utbah, but he said: 'The child is the bed's. Veil yourself from him, O Sawdah.'" (*Sahîh*)

٣٥١٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: اخْتَصَمَ سَعْدُ بْنُ أَبِي وَقَّاصٍ وَعَبْدُ بْنُ زَمْعَةَ فِي ابْنِ زَمْعَةَ، قَالَ سَعْدٌ: أَوْصَانِي أَخِي عُتْبَةُ إِذَا قَدِمْتَ مَكَّةَ فَانْظُرْ إِلَى ابْنِ وَلِيدَةِ زَمْعَةَ فَهُوَ ابْنِي، فَقَالَ عَبْدُ بْنُ زَمْعَةَ: هُوَ ابْنُ أَمَةِ أَبِي وُلِدَ عَلَى فِرَاشِ أَبِي، فَرَأَى رَسُولُ اللهِ ﷺ شَبَهًا بَيِّنًا بِعُتْبَةَ، فَقَالَ رَسُولُ اللهِ ﷺ: «الْوَلَدُ لِلْفِرَاشِ، وَاحْتَجِبِي مِنْهُ يَا سَوْدَةُ»!.

تخريج: أخرجه البخاري، الخصومات، باب دعوى الوصي للميت، ح:٢٤٢١، ومسلم، الرضاع، باب الولد للفراش وتوقي الشبهات، ح:١٤٥٧ من حديث سفيان بن عيينة به، وهو في الكبرٰى، ح:٥٦٨١ .

Comments:

The purpose of the chapter is that as the children born to the wife are considered the husband's children, in the same manner the children born to a slave woman would be considered those of the owner; provided the husband or the owner does not disown them.

Chapter 50. Drawing Lots For A Child If Several Men Dispute Over Him

(المعجم ٥٠) - **بَابُ الْقُرْعَةِ فِي الْوَلَدِ إِذَا تَنَازَعُوا فِيهِ وَذِكْرِ الاخْتِلَافِ عَلَى الشَّعْبِيِّ فِيهِ فِي حَدِيثِ زَيْدِ بْنِ أَرْقَمَ** (التحفة ٥٠)

3518. It was narrated that Zaid bin Arqam said: "Three men were brought to 'Alî while he was in Yemen; they all had intercourse with a woman during a single menstrual cycle. He asked two of them: 'Do you affirm that this child belongs to (the third man)?' And they said: 'No.' He asked another two of them: 'Do you affirm that this child belongs to (the third man)?' And they said: 'No.' So he cast lots between them, and attributed the child to the one whome the lot fell, and obliged him to pay two-thirds of the *Diyah*.[1] The Prophet ﷺ was told of this, and he laughed so much that his back teeth became visible." (*Da'îf*)

٣٥١٨ - أَخْبَرَنَا أَبُو عَاصِمٍ خُشَيْشُ بْنُ أَصْرَمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا الثَّوْرِيُّ عَنْ صَالِحٍ الْهَمْدَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ خَيْرٍ، عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: أُتِيَ عَلِيٌّ رَضِيَ اللهُ عَنْهُ بِثَلَاثَةٍ وَهُوَ بِالْيَمَنِ وَقَعُوا عَلَى امْرَأَةٍ فِي طُهْرٍ وَاحِدٍ، فَسَأَلَ اثْنَيْنِ أَتُقِرَّانِ لِهٰذَا بِالْوَلَدِ؟ قَالَا: لَا، ثُمَّ سَأَلَ اثْنَيْنِ أَتُقِرَّانِ لِهٰذَا بِالْوَلَدِ؟ قَالَا: لَا، فَأَقْرَعَ بَيْنَهُمْ وَأَلْحَقَ الْوَلَدَ بِالَّذِي صَارَتْ عَلَيْهِ الْقُرْعَةُ، وَجَعَلَ عَلَيْهِ ثُلُثَيِ الدِّيَةِ، فَذُكِرَ ذٰلِكَ لِلنَّبِيِّ ﷺ فَضَحِكَ حَتَّى بَدَتْ نَوَاجِذُهُ.

تخريج: [إسناده ضعيف] أخرجه أبو داود، الطلاق، باب من قال بالقرعة إذا تنازعوا في الولد، ح: ٢٢٧٠ عن خشيش به، وهو في الكبرى، ح: ٥٦٨٢ * سفيان الثوري عنعن، وللحديث شواهد ضعيفة.

Comments:

1. The original incident belonged to the period of ignorance, because in Islam three people's copulating with one woman in her single purity is not possible. Since prescribed legal punishment could not be meted out upon the deeds of the period of ignorance, therefore, solving this problem was required after the fact.
2. 'The one to whom the lot fell': when several individuals hold equal right, and if it cannot be given to everyone, then the matter is decided by drawing lots or performing sortilege.
3. 'He imposed two-thirds of the *Diyah* upon him' because they did not get the child. They were, therefore, given a sum of money.
4. 'He began to laugh': At the intellect of 'Alî ﷺ or at this wonderful incident.

[1] This refers to the value of the woman, who was a slave.

3519. It was narrated that Zaid bin Arqam said: "While we were with the Messenger of Allâh ﷺ, a man came to him from Yemen and started telling him (about an incident) while 'Alî was still in Yemen. He said: 'O Messenger of Allâh, three men were brought to 'Alî who were disputing about a child, and they all had intercourse with a woman during a single menstrual cycle.'" And he quoted the same *Hadîth*. (*Da'îf*)

٣٥١٩ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنِ الْأَجْلَحِ، عَنِ الشَّعْبِيِّ قَالَ: أَخْبَرَنِي عَبْدُ اللهِ بْنُ أَبِي الْخَلِيلِ الْحَضْرَمِيُّ عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: بَيْنَا نَحْنُ عِنْدَ رَسُولِ اللهِ ﷺ إِذْ جَاءَهُ رَجُلٌ مِنَ الْيَمَنِ، فَجَعَلَ يُخْبِرُهُ وَيُحَدِّثُهُ وَعَلِيٌّ بِهَا، فَقَالَ: يَا رَسُولَ اللهِ! أَتَى عَلِيًّا ثَلَاثَةُ نَفَرٍ يَخْتَصِمُونَ فِي وَلَدٍ وَقَعُوا عَلَى امْرَأَةٍ فِي طُهْرٍ، وَسَاقَ الْحَدِيثَ.

تخريج: [**إسناده ضعيف**] أخرجه أبو داود، ح:٢٢٦٩ (انظر الحديث السابق) من حديث الأجلح به، وضعفه الجمهور كما حققته في تخريج مسند الحميدي، ح:٧٨٥، والحديث في الكبرى، ح:٥٦٨٣، وصححه الحاكم:٣/ ١٣٥، ١٣٦، وللحديث طرق كلها ضعيفة.

3520. It was narrated that Zaid bin Arqam said: "I was with the Messenger of Allâh ﷺ, and 'Alî, may Allâh be pleased with him, was in Yemen at that time. A man came to him and said: 'I saw 'Alî when three men were brought to him who all claimed (to be the father) of a child. 'Alî said to one of them: Will you give the child up to him? And he refused. He said to (the next one): Will you give the child up to him? And he refused. He said to (the next one): Will you give the child up to him? And he refused. 'Alî said: You are disputing partners. I will cast lots among you, and whoever wins the draw, the child is for him, and he has to pay two-thirds of the *Diyah*.' The Messenger of Allâh ﷺ laughed so much that his back teeth became visible."

٣٥٢٠ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَى عَنِ الْأَجْلَحِ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ اللهِ بْنِ أَبِي الْخَلِيلِ، عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: كُنْتُ عِنْدَ النَّبِيِّ ﷺ وَعَلِيٌّ رَضِيَ اللهُ عَنْهُ يَوْمَئِذٍ بِالْيَمَنِ، فَأَتَاهُ رَجُلٌ فَقَالَ: شَهِدْتُ عَلِيًّا أُتِيَ فِي ثَلَاثَةِ نَفَرٍ ادَّعَوْا وَلَدَ امْرَأَةٍ، فَقَالَ عَلِيٌّ لِأَحَدِهِمْ: تَدَعُهُ لِهٰذَا؟ فَأَبَى، وَقَالَ لِهٰذَا: تَدَعُهُ لِهٰذَا؟ فَأَبَى، وَقَالَ لِهٰذَا: تَدَعُهُ لِهٰذَا؟ فَأَبَى، قَالَ عَلِيٌّ رَضِيَ اللهُ عَنْهُ: أَنْتُمْ شُرَكَاءُ مُتَشَاكِسُونَ وَسَأُقْرِعُ بَيْنَكُمْ، فَأَيُّكُمْ أَصَابَتْهُ الْقُرْعَةُ فَهُوَ لَهُ وَعَلَيْهِ ثُلُثَا الدِّيَةِ، فَضَحِكَ رَسُولُ اللهِ ﷺ حَتَّى بَدَتْ نَوَاجِذُهُ.

تخريج: [ضعيف] انظر الحديث السابق، وهو في الكبرى، ح:٥٦٨٤.

3521. It was narrated from a man from Ḥaḍramawt, that Zaid bin Arqam said: "The Messenger of Allâh ﷺ sent 'Alî to (be the governor of) Yemen, and a child was brought to him concerning whom three men were disputing." (*Ḍa'îf*) Then he quoted the same *Ḥadîth*. Salamah bin Kuhail contradicted them.

٣٥٢١ - أَخْبَرَنَا إِسْحَاقُ بْنُ شَاهِينٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنِ الشَّيْبَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ رَجُلٍ مِنْ حَضْرَمَوْتَ، عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: بَعَثَ رَسُولُ اللهِ ﷺ عَلِيًّا عَلَى الْيَمَنِ، فَأُتِيَ بِغُلَامٍ تَنَازَعَ فِيهِ ثَلَاثَةٌ. وَسَاقَ الْحَدِيثَ. خَالَفَهُمْ سَلَمَةُ بْنُ كُهَيْلٍ.

تخريج: [ضعيف] انظر الحديثين السابقين، وهو في الكبرى، ح:٥٦٨٥.

3522. Salamah bin Kuhail said: "I heard Ash-Sha'bî narrating from Abû Al-Khalîl or Ibn Abî Al-Khalîl that three men had intercourse (with the same woman) during a single menstrual cycle;" and he mentioned something similar, but he did not mention Zaid bin Arqam or attribute anything to the Prophet ﷺ. (*Ḍa'îf*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: This is correct, and Allâh, Glorious is He and Most High knows best.

٣٥٢٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ قَالَ: سَمِعْتُ الشَّعْبِيَّ يُحَدِّثُ عَنْ أَبِي الْخَلِيلِ أَوِ ابْنِ أَبِي الْخَلِيلِ: أَنَّ ثَلَاثَةَ نَفَرٍ اشْتَرَكُوا فِي طُهْرٍ. فَذَكَرَ نَحْوَهُ. وَلَمْ يَذْكُرْ زَيْدَ بْنَ أَرْقَمَ وَلَمْ يَرْفَعْهُ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا صَوَابٌ، وَاللّٰهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

تخريج: [ضعيف] تقدم، ح:٣٥١٩، وأخرجه أبو داود، ح:٢٢٧١ من حديث شعبة به، وهو في الكبرى، ح:٥٦٨٦.

Chapter 51. Detecting Family Likenesses

(المعجم ٥١) - **بَابُ الْقَافَةِ** (التحفة ٥١)

3523. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ came to me looking happy and cheerful, and he said: 'Did you not see that Mujazziz looked at Zaid bin Ḥârithah and Usâmah and said: These feet belong to one another.'" (*Ṣaḥîḥ*)

٣٥٢٣ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: إِنَّ رَسُولَ اللهِ ﷺ دَخَلَ عَلَيَّ مَسْرُورًا تَبْرُقُ أَسَارِيرُ وَجْهِهِ فَقَالَ: «أَلَمْ تَرَيْ أَنَّ مُجَزِّزًا نَظَرَ إِلَى زَيْدِ بْنِ حَارِثَةَ وَأُسَامَةَ فَقَالَ: إِنَّ بَعْضَ هٰذِهِ الْأَقْدَامِ لَمِنْ بَعْضٍ».

تخريج: أخرجه البخاري، الفرائض، باب القائف، ح: ٦٧٧٠، ومسلم، الرضاع، باب العمل بإلحاق القائف الولد، ح: ١٤٥٩/٣٨ عن قتيبة به، وهو في الكبرٰى، ح: ٥٦٨٧.

3524. It was narrated that 'Âishah, may Allâh be pleased with her, said: "The Messenger of Allâh ﷺ came to me one day looking happy and said: 'O 'Âishah! Did you not see that Mujazziz Al-Mudlijî came to me when Usâmah bin Zaid was with me. He saw Usâmah bin Zaid and Zaid with a blanket over them; their heads were covered but their feet were exposed, and he said: These feet belong to one another.'" (*Ṣaḥîḥ*)

٣٥٢٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللهُ عَنْهَا قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ ذَاتَ يَوم مَسْرُورًا فَقَالَ: «يَا عَائِشَةُ! أَلَمْ تَرَيْ أَنَّ مُجَزِّزًا الْمُدْلِجِيَّ دَخَلَ عَلَيَّ وَعِنْدِي أُسَامَةُ ابْنُ زَيْدٍ، فَرَأَى أُسَامَةَ بْنَ زَيْدٍ وَزَيْدًا وَعَلَيْهِمَا قَطِيفَةٌ وَقَدْ غَطَّيَا رُءُوسَهُمَا وَبَدَتْ أَقْدَامُهُمَا فَقَالَ: هٰذِه أَقْدَامٌ بَعْضُهَا مِنْ بَعْضٍ».

تخريج: أخرجه البخاري، الفرائض، باب القائف، ح: ٦٧٧١، ومسلم، الرضاع، باب العمل بإلحاق القائف الولد، ح: ١٤٥٩/٣٩ من حديث سفيان بن عيينة به، وهو في الكبرٰى، ح: ٥٦٨٨.

Chapter 52. When One Parent Becomes Muslim, And The Child Is Given The Choice

(المعجم ٥٢) - إِسْلَامُ أَحَدِ الزَّوْجَيْنِ وَتَخْيِيرُ الْوَلَدِ (التحفة ٥٢)

3525. It was narrated from 'Abdul-Ḥamîd bin Salamah Al-Anṣârî, from his father, from his grandfather, that he became Muslim but his wife refused to become Muslim. A young son of theirs, who had not yet reached puberty, came, and the Prophet ﷺ seated the father on one side and the mother on the other side, and he gave him the choice. He said: "O Allâh, guide him," and (the child) went to his father. (*Ḥasan*)

٣٥٢٥ - أَخْبَرَنَا مَحْمُودُ بْنُ غَيْلَانَ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عُثْمَانَ الْبَتِّيِّ، عَنْ عَبْدِ الْحَمِيدِ بْنِ سَلَمَةَ الْأَنْصَارِيِّ، عَنْ أَبِيهِ، عنْ جَدِّهِ: أَنَّهُ أَسْلَمَ وَأَبَتِ امْرَأَتُهُ أَنْ تُسْلِمَ، فَجَاءَ ابْنٌ لَهُمَا صَغِيرٌ لَمْ يَبْلُغِ الْحُلُمَ، فَأَجْلَسَ النَّبِيُّ ﷺ الْأَبَ هٰهُنَا وَالْأُمَّ هٰهُنَا ثُمَّ خَيَّرَهُ فَقَالَ: «اللَّهُمَّ! اهْدِهِ» فَذَهَبَ إِلَى أَبِيهِ.

تخريج: [حسن] أخرجه ابن ماجه، الأحكام، باب تخيير الصبي بين أبويه، ح: ٢٣٥٢ من حديث عثمان البتي به، وهو في الكبرٰى، ح: ٥٦٨٩، وصححه الحاكم: ٢/٢٠٦، ٢٠٧، ووافقه الذهبي.

Comments:

If a husband and wife decide to go their separate ways, the child should remain in the custody of mother till the age of seven years. Thereupon, the child shall be offered an option - he or she may choose to remain with the mother or the father. In the afore-mentioned incident, the father was a Muslim, while the mother was an unbeliever. A child instinctively inclines toward his mother. Therefore, Allâh's Messenger ﷺ supplicated the child should not go to the mother, otherwise the child had the danger of falling into disbelief.

3526. It was narrated that Abû Maimûnah said: "While I was with Abû Hurairah he said: 'A woman came to the Messenger of Allâh ﷺ and said: May my father and mother be ransomed for you! My husband wants to take my son away, but he helps me, and brings me water from the well of Abû 'Inabah. Her husband came and said: Who is going to take my son from me? The Messenger of Allâh ﷺ said: "O boy, this is your father and this is your mother; take the hand of whichever of them you want." He took his mother's hand and she left with him.'" (*Sahîh*)

٣٥٢٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي زِيَادٌ عَنْ هِلَالِ بْنِ أُسَامَةَ، عَنْ أَبِي مَيْمُونَةَ قَالَ: بَيْنَا أَنَا عِنْدَ أَبِي هُرَيْرَةَ فَقَالَ: إِنَّ امْرَأَةً جَاءَتْ إِلَى رَسُولِ اللهِ ﷺ فَقَالَتْ: فِدَاكَ أَبِي وَأُمِّي! إِنَّ زَوْجِي يُرِيدُ أَنْ يَذْهَبَ بِابْنِي وَقَدْ نَفَعَنِي وَسَقَانِي مِنْ بِئْرِ أَبِي عِنَبَةَ، فَجَاءَ زَوْجُهَا وَقَالَ: مَنْ يُخَاصِمُنِي فِي ابْنِي؟ فَقَالَ: «يَا غُلَامُ! هٰذَا أَبُوكَ وَهٰذِهِ أُمُّكَ فَخُذْ بِيَدِ أَيِّهِمَا شِئْتَ». فَأَخَذَ بِيَدِ أُمِّهِ فَانْطَلَقَتْ بِهِ.

تخريج: [إسناده صحيح] أخرجه أبو داود، الطلاق، باب من أحق بالولد، ح:٢٢٧٧ من حديث ابن جريج به، وهو في الكبرى، ح:٥٦٩٠، وقال الترمذي، ح:١٣٥٧ "حسن صحيح" * زياد هو ابن سعد.

Comments:

1. This child might have been older than seven years of age, but less than adult. In the event of dispute between, father and mother, the child has the option to remain with either of the parents. The father cannot forcibly take the child. Till the age of seven, a child nonetheless remains dependent on the mother. On reaching puberty, he or she becomes independent or autonomous.
2. Bi'r Abi 'Inabah is a well, which is situated outside of the city of Al-Madinah at a distance of about 16 kilometers.

Chapter 53. The *'Iddah* Of A Woman Separated By *Khul'*

(المعجم ٥٣) - عِدَّةُ الْمُخْتَلِعَةِ (التحفة ٥٣)

3527. Ar-Rubayy' bint Mu'awwidh bin 'Afrâ' narrated that Thâbit bin

٣٥٢٧ - أَخْبَرَنَا أَبُو عَلِيٍّ مُحَمَّدُ بْنُ يَحْيَى

الْمَرْوَزِيُّ قَالَ: أَخْبَرَنِي شَاذَانُ بْنُ عُثْمَانَ أَخُو عَبْدَانَ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا عَلِيُّ بْنُ الْمُبَارَكِ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ قَالَ: أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ الرَّحْمٰنِ أَنَّ الرُّبَيِّعَ بِنْتَ مُعَوِّذِ ابْنِ عَفْرَاءَ أَخْبَرَتْهُ: أَنَّ ثَابِتَ بْنَ قَيْسِ بْنِ شَمَّاسٍ ضَرَبَ امْرَأَتَهُ فَكَسَرَ يَدَهَا - وَهِيَ جَمِيلَةُ بِنْتُ عَبْدِ اللهِ بْنِ أُبَيٍّ - فَأَتَى أَخُوهَا يَشْتَكِيهِ إِلَى رَسُولِ اللهِ ﷺ، فَأَرْسَلَ رَسُولُ اللهِ ﷺ إِلَى ثَابِتٍ فَقَالَ لَهُ: «خُذِ الَّذِي لَهَا عَلَيْكَ وَخَلِّ سَبِيلَهَا» قَالَ: نَعَمْ، فَأَمَرَهَا رَسُولُ اللهِ ﷺ أَنْ تَتَرَبَّصَ حَيْضَةً وَاحِدَةً فَتَلْحَقَ بِأَهْلِهَا.

Qais bin Shammâs hit his wife and broke her arm – her name was Jamîlah bint 'Abdullâh bin Ubayy. Her brother came to the Messenger of Allâh ﷺ to complain about him, and the Messenger of Allâh ﷺ sent for Thâbit and said: "Take what she owes you and let her go." He said: "Yes." And the Messenger of Allâh ﷺ ordered her to wait for one menstrual cycle and then go to her family. (*Hasan*)

تخريج: [إسناده حسن] أخرجه الطبراني في الكبير: ٢٤/ ٢٦٥، ح: ٦٧١ من طريق آخر عن محمد بن عبدالرحمٰن بن ثوبان وغيره به، وهو في الكبرٰى، ح: ٥٦٩١.

٣٥٢٨ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعْدِ بْنِ إِبْرَاهِيمَ بْنِ سَعْدٍ قَالَ: حَدَّثَنَا عَمِّي قَالَ: حَدَّثَنَا أَبِي عَنِ ابْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي عُبَادَةُ بْنُ الْوَلِيدِ بْنِ عُبَادَةَ بْنِ الصَّامِتِ عَنْ رُبَيِّعِ بِنْتِ مُعَوِّذٍ قَالَ: قُلْتُ لَهَا: حَدِّثِينِي حَدِيثَكِ، قَالَتْ: اخْتَلَعْتُ مِنْ زَوْجِي ثُمَّ جِئْتُ عُثْمَانَ فَسَأَلْتُهُ مَاذَا عَلَيَّ مِنَ الْعِدَّةِ؟ فَقَالَ: لَا عِدَّةَ عَلَيْكِ إِلَّا أَنْ تَكُونِي حَدِيثَةَ عَهْدٍ بِهِ، فَتَمْكُثِي حَتَّى تَحِيضِي حَيْضَةً. قَالَ: وَأَنَا مُتَّبِعٌ فِي ذٰلِكَ قَضَاءَ رَسُولِ اللهِ ﷺ فِي مَرْيَمَ الْمغَالِيَّةِ، كَانَتْ تَحْتَ ثَابِتِ بْنِ قَيْسِ ابْنِ شَمَّاسٍ فَاخْتَلَعَتْ مِنْهُ.

3528. 'Ubâdah bin Al-Walîd bin 'Ubâdah bin As-Sâmit narrated from Rubayy' bint Mu'awwidh. He said: "I said to her: 'Tell me your *Hadîth*.' She said: 'I was separated from husband by *Khul'*, then I came to 'Uthmân and asked him: What *'Iddah* do I have to observe? He said: You do not have to observe any *'Iddah*, unless you had intercourse with him recently, in which case you should stay with him until you have menstruated. He said: In that I am following the ruling of the Messenger of Allâh ﷺ concerning Mariam Al-Maghâliyyah, who was married to Thâbit bin Qais and was separated by *Khul'* from him.'" (*Hasan*)

تخريج: [إسناده حسن] أخرجه ابن ماجه، الطلاق، باب عدة المختلعة، ح: ٢٠٥٨ من

حديث يعقوب بن إبراهيم بن سعد، عم عبيدالله به، وهو في الكبرٰى، ح: ٥٦٩٢.

Comments:

1. From the verdict of 'Uthman, it transpires that the waiting period of one menstrual cycle is also for acquittal from pregnancy or to verify that she is not pregnant. If sexual intercourse has not taken place during the woman's current purity (the *Tuhûr*, or the state of purity following menstruation), there is no waiting period even of one menstrual cycle. But since copulation is a concealed matter, the fact of the matter is that the woman granted a *Khul'* from her husband should wait for one menstrual cycle to intervene, so that nothing is left to doubt or suspicion.
2. It should be borne in mind that returning (taking back) is not possible in *Khul'*. Later, remarriage is possible because it does not fall in the category of a third divorce.

Chapter 54. Exceptions To The *'Iddah* Of Divorced Women

3529. It was narrated from Ibn 'Abbâs with regard to Allâh's saying: "Whatever a Verse (revelation) do We abrogate or cause to be forgotten, We bring a better one or similar to it."[1] and He said: "And when We change a Verse in place of another — and Allâh knows best what He sends down."[2] and He said: "Allâh blots out what He wills and confirms (what He wills). And with Him is the Mother of the Book."[3] "The first thing that was abrogated in the Qur'ân was the *Qiblah*." And He said: "And divorced women shall wait (as regards their marriage) for three menstrual periods."[4] and He said: "And those of your women as have passed the age of monthly

(المعجم ٥٤) - مَا اسْتُثْنِيَ مِنْ عِدَّةِ الْمُطَلَّقَاتِ (التحفة ٥٤)

٣٥٢٩ - أَخْبَرَنَا زَكَرِيَّا بْنُ يَحْيَى قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَلِيُّ ابْنُ الْحُسَيْنِ بْنِ وَاقِدٍ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنَا يَزِيدُ النَّحْوِيُّ عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ فِي قَوْلِهِ: ﴿مَا نَنسَخْ مِنْ ءَايَةٍ أَوْ نُنسِهَا نَأْتِ بِخَيْرٍ مِّنْهَآ أَوْ مِثْلِهَآ﴾ [البقرة: ١٠٦] وَقَالَ: ﴿وَإِذَا بَدَّلْنَآ ءَايَةً مَّكَانَ ءَايَةٍ وَٱللَّهُ أَعْلَمُ بِمَا يُنَزِّلُ﴾ [النحل: ١٠١] الآيَةَ. وَقَالَ: ﴿يَمْحُواْ ٱللَّهُ مَا يَشَآءُ وَيُثْبِتُ وَعِندَهُۥٓ أُمُّ ٱلْكِتَٰبِ﴾ [الرعد: ٣٩] فَأَوَّلُ مَا نُسِخَ مِنَ الْقُرْآنِ الْقِبْلَةُ، وَقَالَ: ﴿وَٱلْمُطَلَّقَٰتُ يَتَرَبَّصْنَ بِأَنفُسِهِنَّ ثَلَٰثَةَ قُرُوٓءٍ﴾ [البقرة: ٢٢٨] وَقَالَ: ﴿وَٱلَّٰٓئِى يَئِسْنَ مِنَ ٱلْمَحِيضِ مِن نِّسَآئِكُمْ إِنِ ٱرْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَٰثَةُ أَشْهُرٍ﴾ [الطلاق: ٤] فَنُسِخَ مِنْ

[1] *Al-Baqarah* 2:106.
[2] *An-Naḥl* 16:101.
[3] *Ar-Ra'd* 13:39.
[4] *Al-Baqarah* 2:228.

courses, for them the *'Iddah*, if you have doubt (about their periods), is three months."[1] So (some) of that was abrogated, (according to) His, Most High, saying: "And then divorce them before you have sexual intercourse with them, no *'Iddah* have you to count in respect of them."[2] (*Hasan*)

ذٰلِكَ، قَالَ تَعَالَى: ﴿ثُمَّ طَلَّقْتُمُوهُنَّ مِن قَبْلِ أَن تَمَسُّوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُّونَهَا﴾ [الأحزاب: ٤٩]

تخريج: [**إسناده حسن**] أخرجه أبو داود، الطلاق، باب: في نسخ ما استثني به، من عدة المختلعات، ح:٢٢٨٢ من حديث علي بن الحسين به، وهو في الكبرى، ح:٥٧٠٤.

Chapter 55. The *'Iddah* Of A Woman Whose Husband Dies

(المعجم ٥٥) - بَابُ عِدَّةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا (التحفة ٥٥)

3530. It was narrated that Zainab bint Umm Salamah said: "Umm Habîbah said: 'I heard the Messenger of Allâh ﷺ say: It is not permissible for a woman who believes in Allâh and the Last Day to mourn for anyone who dies for more than three days, except for a husband; (she mourns for him for) four months and ten (days)." (*Sahîh*)

٣٥٣٠ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنْ وَكِيعٍ، عَنْ شُعْبَةَ قَالَ: حَدَّثَنَا حُمَيْدُ بْنُ نَافِعٍ عَنْ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ: قَالَتْ أُمُّ حَبِيبَةَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللّٰهِ وَالْيَوْمِ الْآخِرِ تُحِدُّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثَةِ أَيَّامٍ إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

تخريج: أخرجه البخاري، الطلاق، باب الكحل للحادة، ح:٥٣٣٩، ومسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة وتحريمه في غير ذلك، إلا ثلاثه أيام، ح:١٤٨٦/٥٩ من حديث شعبة به، وهو في الكبرى، ح:٥٦٩٣.

3531. It was narrated from Zainab bint Umm Salamah – I (the narrator) said: "From her mother?" He said: "Yes" – "that the Prophet ﷺ was asked about a woman whose husband had died but they were worried about her

٣٥٣١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ، قُلْتُ: عَنْ أُمِّهَا؟ قَالَ: نَعَمْ، إِنَّ النَّبِيَّ ﷺ سُئِلَ عَنِ امْرَأَةٍ تُوُفِّيَ عَنْهَا زَوْجُهَا فَخَافُوا

[1] *At-Talâq* 65:4.

[2] *Al-Ahzâb* 33:49. See no. 3584.

eyes – could she use *kohl*?" He said: "One of you used to stay in her house wearing her shabbiest clothes for a year, then she would come out. No, (the mourning period is) four months and ten (days)." (*Saḥîḥ*)

عَلَى عَيْنِهَا أَتَكْتَحِلُ؟ فَقَالَ: «قَدْ كَانَتْ إِحدَاكُنَّ تَمْكُثُ فِي بَيْتِهَا فِي شَرِّ أَحْلَاسِهَا حَوْلًا ثُمَّ خَرَجَتْ، فَلَا، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

تخريج: أخرجه البخاري، ح:٥٣٣٨، ومسلم، ح:١٤٨٨/ ٦٠ من حديث شعبة به (انظر الحديث السابق)، وهو في الكبرى، ح:٥٦٩٤.

Comments:

1. The waiting period of a woman whose husband dies, is four months and ten days. There is consensus over this matter, provided the woman is not pregnant. She shall have to remain in the state of mourning during this period, in which she will have to abstain from all sorts of adornment. *Kohl* or collyrium is also an adornment. She, therefore, may not apply collyrium during mourning. If there is any trouble in one's eyes, some other medication could be utilized, which is not generally used as a means of adornment.
2. During the period of ignorance, it was a custom to keep the woman, whose husband had died, secluded in a room for a period of one year. She was not even permitted to bathe and wash herself, to the extent that she could not take a bath after menstruation. She also wore the same clothes the entire period. That is why they (the clothes) are called the worst garments in the *Ḥadîth*. They used to smell so bad that if some animal touched her body, it would die. She used to be taken out of her room after one year. She was then handed camel's dung, which she would throw back over her head. So to say, now her bad condition has come to an and, as a sign of the end of her waiting period. Islam prevented a widow from adornment only. She would continue to reside with the other members of the household. She would take a bath and wash herself. She would, however, abstain from new or attractive garments, jewelry, make-up, and other adornments, and remain indoors as far as possible.

3532. It was narrated from Zainab bint Umm Salamah, that Umm Salamah and Umm Ḥabîbah said: "A woman came to the Prophet ﷺ and said: 'My daughter's husband has died, and I am worried about her eyes. Can I apply *kohl* to her?' The Messenger of Allâh ﷺ said: 'One of you used to stay (in mourning) for a year. Rather (the mourning period is) four months and ten (days). And when that year

٣٥٣٢ - أَخْبَرَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ يَحْيَى بْنِ سَعِيدِ بْنِ قَيْسِ بْنِ قَهْدٍ الْأَنْصَارِيِّ - وَجَدُّهُ قَدْ أَدْرَكَ النَّبِيَّ ﷺ - عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ وَأُمِّ حَبِيبَةَ قَالَتَا: جَاءَتِ امْرَأَةٌ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: إِنَّ ابْنَتِي تُوُفِّيَ عَنْهَا زَوْجُهَا، وَإِنِّي أَخَافُ عَلَى

had passed she would go out and fling a piece of dung behind her."'[1] (*Saḥîḥ*)

عَيْنِهَا أَفَأَكْحُلُهَا؟ فَقَالَ رَسُولُ اللهِ ﷺ: «قَدْ كَانَتْ إِحدَاكُنَّ تَجْلِسُ حَوْلًا، وَإِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا، فَإِذَا كَانَ الْحَوْلُ خَرَجَتْ وَرَمَتْ وَرَاءَهَا بِبَعْرَةٍ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٥٦٩٥.

3533. It was narrated from Ṣafiyyah bint Abî 'Ubaid that she heard Ḥafṣah bint 'Umar, the wife of the Prophet ﷺ, (narrate) that the Prophet ﷺ said: "It is not permissible for a woman who believes in Allâh and the Last Day to mourn for anyone who dies for more than three days except for a husband; she should mourn for him for four months and ten (days)." (*Saḥîḥ*)

٣٥٣٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ نَافِعًا يَقُولُ: عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ أَنَّهَا سَمِعَتْ حَفْصَةَ بِنْتَ عُمَرَ زَوْجَ النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ تُحِدُّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثٍ إِلَّا عَلَى زَوْجٍ، فَإِنَّهَا تُحِدُّ عَلَيْهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

تخريج: أخرجه مسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة وتحريمه في غير ذلك، إلا ثلاثة أيام، ح:١٤٩٠ من حديث نافع به، وهو في الكبرى، ح:٥٦٩٦ .

Comments:

Mourning (Arabic - *Hidâd*) signifies abstaining from something lawful, for instance, taking bath, washing, sleeping, etc. It does not signify perpetrating unlawfulness, for example screaming, shrieking, wailing, whining, slapping the chest, shaving the head, etc. Mourning for more than three days is also not permitted for men. Women were specially mentioned because they generally indulge in mourning more than men.

3534. It was narrated from Ṣafiyyah bint Abî 'Ubaid from one of the wives of the Prophet ﷺ, and from Umm Salamah, that the Prophet ﷺ said: "It is not permissible for a woman who believes in Allâh and the Last Day to mourn for anyone who dies for more than three days except for a husband; she should mourn for him for four months and ten (days)." (*Saḥîḥ*)

٣٥٣٤ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ الصَّبَّاحِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَوَاءٍ قَالَ: أَخْبَرَنَا سَعِيدٌ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ، عَنْ بَعْضِ أَزْوَاجِ النَّبِيِّ ﷺ وَعَنْ أُمِّ سَلَمَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ تُحِدُّ عَلَى مَيِّتٍ أَكْثَرَ مِنْ ثَلَاثَةِ أَيَّامٍ إِلَّا عَلَى زَوْجٍ، فَإِنَّهَا تُحِدُّ عَلَيْهِ

[1] See no. 3563.

أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

تخريج: [صحيح] وهو في الكبرىٰ، ح:٥٦٩٧، وانظر الحديث السابق * سعيد هو ابن أبي عروبة.

3535. A similar report was narrated from Ṣafiyyah bint Abî 'Ubaid from one of the wives of the Prophet ﷺ – and she is Umm Salamah – from the Prophet ﷺ. (*Ṣaḥîḥ*)

٣٥٣٥ - أَخْبَرَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا السَّهْمِيُّ - يَعْنِي عَبْدَ اللهِ بْنَ بَكْرٍ - قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ، عَنْ بَعْضِ أَزْوَاجِ النَّبِيِّ ﷺ - وَهِيَ أُمُّ سَلَمَةَ - عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرىٰ، ح:٥٦٩٨.

Comments:

The objective behind repetition of the narration concerning mourning is to display that in one place this report is transmitted on the authority of Umm Habibah ﵂, in another on the authority of Umm Salamah, in some other from Hafsah ﵂ and in another on the authority of one of the other wives of the Prophet ﷺ. There is no conflict in them.

Chapter 56. The *'Iddah* Of A Pregnant Woman Whose Husband Dies

(المعجم ٥٦) - بَابُ عِدَّةِ الْحَامِلِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا (التحفة ٥٦)

3536. It was narrated from Al-Miswar bin Makhramah that Subai'ah Al-Aslamiyyah gave birth one day after her husband died. She came to the Messenger of Allâh ﷺ and asked his permission to marry, and he gave her permission to marry and she married. (*Ṣaḥîḥ*)

٣٥٣٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لِمُحَمَّدٍ - قَالَا: حَدَّثَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ الْمِسْوَرِ بْنِ مَخْرَمَةَ: أَنَّ سُبَيْعَةَ الْأَسْلَمِيَّةَ نُفِسَتْ بَعْدَ وَفَاةِ زَوْجِهَا بِلَيَالٍ، فَجَاءَتْ رَسُولَ اللهِ ﷺ فَاسْتَأْذَنَتْ أَنْ تَنْكِحَ، فَأَذِنَ لَهَا فَنَكَحَتْ.

تخريج: أخرجه البخاري، الطلاق، باب: "وأولات الأحمال أجلهن أن يضعن حملهن"، ح:٥٣٢٠ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٥٩٠، والكبرىٰ، ح:٥٦٩٩ .

Comments:

If a woman's husband dies, and if she is pregnant, her waiting period, according to the majority of the people of knowledge, instead of four months and ten days, ends when she delivers her burden. When the child is born, she

is free when her postnatal bleeding (*Nifâs*) ceases. She may further marry. No mourning is required of her. It was the opinion of Ibn 'Abbâs ﷺ that the latter is the waiting period of the two: that means if the child is born before the expiration of the period of four months and ten days, the waiting period shall be four months and ten days; and if the four months and ten days intervene first or come to an end before the birth of the child, the waiting period shall be the childbirth. So to speak, he thought mourning has its own place and the childbirth has its own.

3537. It was narrated from Al-Miswar bin Makhramah that the Prophet ﷺ commanded Subai'ah to get married when her *Nifâs*[1] ended. (***Sahîh***)

٣٥٣٧ - أَخْبَرَنَا نَصْرُ بْنُ عَلِيِّ بْنِ نَصْرٍ عَنْ عَبْدِ اللهِ بْنِ دَاوُدَ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ الْمِسْوَرِ بْنِ مَخْرَمَةَ: أَنَّ النَّبِيَّ ﷺ أَمَرَ سُبَيْعَةَ أَنْ تَنْكِحَ إِذَا تَعَلَّتْ مِنْ نِفَاسِهَا.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٥٧٠٠.

3538. It was narrated that Abû As-Sanâbil said: "Subai'ah gave birth twenty-three or twenty-five days after her husband died, and when her *Nifâs* ended she expressed her wish to remarry and was criticized for that. Mention of that was made to the Messenger of Allâh ﷺ and he said: 'There is nothing to stop her; her term has ended.'" (***Hasan***)

٣٥٣٨ - أَخْبَرَنِي مُحَمَّدُ بْنُ قُدَامَةَ قَالَ: أَخْبَرَنِي جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ أَبِي السَّنَابِلِ قَالَ: وَضَعَتْ سُبَيْعَةُ حَمْلَهَا بَعْدَ وَفَاةِ زَوْجِهَا بِثَلَاثَةٍ وَعِشْرِينَ أَوْ خَمْسَةٍ وَعِشْرِينَ لَيْلَةً، فَلَمَّا تَعَلَّتْ تَشَوَّفَتْ لِلْأَزْوَاجِ فَعِيبَ ذٰلِكَ عَلَيْهَا، فَذُكِرَ ذٰلِكَ لِرَسُولِ اللهِ ﷺ فَقَالَ: «مَا يَمْنَعُهَا قَدِ انْقَضَى أَجَلُهَا».

تخريج: [حسن] أخرجه الترمذي، الطلاق، باب ماجاء في الحامل المتوفى عنها زوجها تضع، ح:١١٩٣ من حديث منصور بن المعتمر به، وقال: "لا نعرف للأسود شيئًا، عن أبي السنابل"، وهو في الكبرى، ح:٥٧٠١، وصححه ابن حبان، ح:١٣٢٩ من حديث جرير بن عبدالحميد به * والأسود هو ابن يزيد، وللحديث شواهد، انظر الحديث الآتي.

3539. Abû Salamah said: "Abû Hurairah and Ibn 'Abbâs differed concerning the widow who gives birth after her husband's death. Abû Hurairah said: 'She may be

٣٥٣٩ - أَخْبَرَنَا مَحْمُودُ بْنُ غَيْلَانَ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي عَبْدُ رَبِّهِ بْنُ سَعِيدٍ قَالَ: سَمِعْتُ أَبَا

[1] Postnatal bleeding.

married.' Ibn 'Abbâs said: '(She has to wait) for the longer of the two periods.'[1] They sent word to Umm Salamah and she said: 'The husband of Subai'ah died and she gave birth fifteen days – half a month – after her husband died.' She said: 'Two men proposed marriage to her, and she was inclined toward one of them. When they feared that she was becoming single-minded (on this issue, and not consulting her family), they said: It is not permissible for you to marry. She went to the Messenger of Allâh ﷺ and he said: 'It is permissible for you to marry, so marry whomever you want.''' (*Ṣaḥîḥ*)

سَلَمَةَ يَقُولُ: اخْتَلَفَ أَبُو هُرَيْرَةَ وَابْنُ عَبَّاسٍ فِي الْمُتَوَفَّى عَنْهَا زَوْجُهَا إِذَا وَضَعَتْ حَمْلَهَا، قَالَ أَبُو هُرَيْرَةَ: تُزَوَّجُ، وَقَالَ ابْنُ عَبَّاسٍ: أَبْعَدَ الْأَجَلَيْنِ، فَبَعَثُوا إِلَى أُمِّ سَلَمَةَ فَقَالَتْ: تُوُفِّيَ زَوْجُ سُبَيْعَةَ فَوَلَدَتْ بَعْدَ وَفَاةِ زَوْجِهَا بِخَمْسَةَ عَشَرَ نِصْفِ شَهْرٍ، قَالَتْ: فَخَطَبَهَا رَجُلَانِ فَحَطَّتْ بِنَفْسِهَا إِلَى أَحَدِهِمَا، فَلَمَّا خَشُوا أَنْ تَفْتَاتَ بِنَفْسِهَا قَالُوا: إِنَّكِ لَا تَحِلِّينَ، قَالَتْ: فَانْطَلَقْتُ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: «قَدْ حَلَلْتِ فَانْكِحِي مَنْ شِئْتِ».

تخريج: [إسناده صحيح] وهو في الكبرى، ح:٥٧٠٢ * عبد ربه بن سعيد هو ابن قيس، أبوسلمة هو ابن عبدالرحمٰن.

3540. It was narrated that Abû Salamah said: "Ibn 'Abbâs and Abû Hurairah were asked about the woman whose husband dies when she is pregnant. Ibn 'Abbâs said: '(She should wait) for the longer of the two periods.' Abû Hurairah said: 'When she gives birth it becomes permissible for her to marry.' Abû Salamah went to Umm Salamah and asked her about that, and she said: 'Subai'ah Al-Aslamiyyah gave birth half a month after her husband died, and two men proposed to her. One was young and one was old, and she

٣٥٤٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لِمُحَمَّدٍ - قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ عَبْدِ رَبِّهِ بْنِ سَعِيدٍ، عَنْ أَبِي سَلَمَةَ قَالَ: سُئِلَ ابْنُ عَبَّاسٍ وَأَبُو هُرَيْرَةَ عَنِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا وَهِيَ حَامِلٌ؟ قَالَ ابْنُ عَبَّاسٍ: آخِرُ الْأَجَلَيْنِ، وَقَالَ أَبُو هُرَيْرَةَ: إِذَا وَلَدَتْ فَقَدْ حَلَّتْ، فَدَخَلَ أَبُو سَلَمَةَ إِلَى أُمِّ سَلَمَةَ فَسَأَلَهَا عَنْ ذٰلِكَ، فَقَالَتْ: وَلَدَتْ سُبَيْعَةُ الْأَسْلَمِيَّةُ بَعْدَ وَفَاةِ زَوْجِهَا بِنِصْفِ

[1] The longer of the two periods: The dispute here is whether the pregnant widow's *'Iddah* ends when she gives birth, even if that is only a few days after her husband's death, or when four months and ten days have passed since her husband's death.

was inclined toward the young one. So the old one said: It is not permissible for you to marry. Her family was not there, and he hoped that if he went to her family they would marry her to him. She went to the Messenger of Allâh ﷺ and he said: It is permissible for you to marry, so marry whomever you want.'" (*Sahîh*)

شَهْرٍ، فَخَطَبَهَا رَجُلَانِ أَحَدُهُمَا شَابٌّ وَالآخَرُ كَهْلٌ، فَحَطَّتْ إِلَى الشَّابِّ، فَقَالَ الْكَهْلُ: لَمْ تَحْلِلْ، وَكَانَ أَهْلُهَا غُيَّبًا فَرَجَا إِذَا جَاءَ أَهْلُهَا أَنْ يُؤْثِرُوهُ بِهَا فَجَاءَتْ رَسُولَ اللهِ ﷺ فَقَالَ: «قَدْ حَلَلْتِ فَانْكِحِي مَنْ شِئْتِ».

تخريج: [**إسناده صحيح**] انظر الحديث السابق، وهو في الموطأ (يحيى): ٢/٥٨٩، والكبرى، ح:٥٧٠٣.

3541. Abû Salamah bin 'Abdur-Rahmân said: "It was said to Ibn 'Abbâs concerning a woman who gives birth one day after her husband dies: 'Can she get married?' He said: 'No, not until the longer of the two periods has ended.'" He said: 'Allâh says: And for those who are pregnant (whether they are divorced or their husbands are dead), their *'Iddah* (prescribed period) is until they lay down their burden.'[1] He said: 'That only applies in the case of divorce.' Abû Hurairah said: 'I agree with my brother's son' – meaning, Abû Salamah. He sent his slave Kuraib and told him: 'Go to Umm Salamah and ask her: Was this the *Sunnah* of the Messenger of Allâh ﷺ?' He came back and said: 'Yes, Subai'ah Al-Aslamiyyah gave birth twenty days after her husband died, and the Messenger of Allâh ﷺ told her to get married, and Abû As-Sanâbil was one of those who proposed marriage to her.'" (*Sahîh*)

٣٥٤١ - أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ بَزِيعٍ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زُرَيْعٍ - قَالَ: حَدَّثَنَا حَجَّاجٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمٰنِ قَالَ: قِيلَ لِابْنِ عَبَّاسٍ فِي امْرَأَةٍ وَضَعَتْ بَعْدَ وَفَاةِ زَوْجِهَا بِعِشْرِينَ لَيْلَةً أَيَصْلُحُ لَهَا أَنْ تَزَوَّجَ؟ قَالَ: لَا، إِلَّا آخِرَ الْأَجَلَيْنِ، قَالَ: قُلْتُ: قَالَ اللهُ تَبَارَكَ وَتَعَالَى: ﴿وَأُوْلَٰتُ ٱلْأَحْمَالِ أَجَلُهُنَّ أَن يَضَعْنَ حَمْلَهُنَّ﴾ [الطلاق: ٤] فَقَالَ: إِنَّمَا ذٰلِكَ فِي الطَّلَاقِ، فَقَالَ أَبُو هُرَيْرَةَ: أَنَا مَعَ ابْنِ أَخِي - يَعْنِي أَبَا سَلَمَةَ - فَأَرْسَلَ غُلَامَهُ كُرَيْبًا فَقَالَ: ائْتِ أُمَّ سَلَمَةَ فَسَلْهَا هَلْ كَانَ هٰذَا سُنَّةً مِنْ رَسُولِ اللهِ ﷺ؟ فَجَاءَ فَقَالَ: قَالَتْ: نَعَمْ، سُبَيْعَةُ الأَسْلَمِيَّةُ وَضَعَتْ بَعْدَ وَفَاةِ زَوْجِهَا بِعِشْرِينَ لَيْلَةً، فَأَمَرَهَا رَسُولُ اللهِ ﷺ أَنْ تَزَوَّجَ، فَكَانَ أَبُو السَّنَابِلِ فِيمَنْ يَخْطُبُهَا.

[1] *At-Talâq* 65:4.

تخريج: أخرجه البخاري، التفسير، باب: ﴿وأولات الأحمال أجلهن أن يضعن حملهن . . .﴾ إلخ، ح:٤٩٠٩ من حديث يحيى بن أبي كثير، ومسلم، الطلاق، باب انقضاء عدة المتوفى عنها وغيرها، بوضع الحمل، ح:١٤٨٥/٥٧ من حديث أبي سلمة به، وهو في الكبرٰى، ح:٥٧٠٥، وفيه علة غير قادحة.

Comments:

Ibn 'Abbâs maintained that the mourning period is essential in every condition and the childbirth too. But the command of the Messenger of Allâh ﷺ was different. Hence, Ibn 'Abbâs ؓ retracted his statement. May Allâh be pleased with him.

3542. It was narrated from Sulaimân bin Yâsir that Abû Hurairah, Ibn 'Abbâs, and Abû Salamah bin 'Abdur-Raḥmân were talking about the *'Iddah* of a woman whose husband dies, and she gives birth after her husband dies. Ibn 'Abbâs said: "She should observe *'Iddah* for the longer of the two periods." Abû Salamah said: "No, it becomes permissible for her to marry when she has given birth." Abû Hurairah said: "I agree with my brother's son." So they sent word to Umm Salamah, the wife of the Prophet ﷺ, and she said: "Subai'ah Al-Aslamiyyah gave birth shortly after her husband died; she consulted the Messenger of Allâh ﷺ and he told her to get married." (*Ṣaḥîḥ*)

٣٥٤٢ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَحْيَى، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ: أَنَّ أَبَا هُرَيْرَةَ وَابْنَ عَبَّاسٍ وَأَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمٰنِ تَذَاكَرُوا عِدَّةَ الْمُتَوَفَّى عَنْهَا زَوْجُهَا تَضَعُ عِنْدَ وَفَاةِ زَوْجِهَا، فَقَالَ ابْنُ عَبَّاسٍ: تَعْتَدُّ آخِرَ الْأَجَلَيْنِ، وَقَالَ أَبُو سَلَمَةَ: بَلْ تَحِلُّ حِينَ تَضَعُ، فَقَالَ أَبُو هُرَيْرَةَ: أَنَا مَعَ ابْنِ أَخِي، فَأَرْسَلُوا إِلَى أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ ﷺ، فَقَالَتْ: وَضَعَتْ سُبَيْعَةُ الْأَسْلَمِيَّةُ بَعْدَ وَفَاةِ زَوْجِهَا بِيَسِيرٍ، فَاسْتَفْتَتْ رَسُولَ اللهِ ﷺ فَأَمَرَهَا أَنْ تَتَزَوَّجَ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٥٧٠٦.

3543. It was narrated that Umm Salamah said: "Subai'ah gave birth a few days after her husband died, and the Messenger of Allâh ﷺ told her to get married." (*Ṣaḥîḥ*)

٣٥٤٣ - أَخْبَرَنَا عَبْدُ الْأَعْلَى بْنُ وَاصِلِ بْنِ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ عَنْ سُفْيَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ كُرَيْبٍ، عَنْ أُمِّ سَلَمَةَ وَمُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ كُرَيْبٍ، عَنْ أُمِّ سَلَمَةَ قَالَتْ: وَضَعَتْ سُبَيْعَةُ بَعْدَ وَفَاةِ زَوْجِهَا

بِأَيَّامٍ، فَأَمَرَهَا رَسُولُ اللهِ ﷺ أَنْ تَزَوَّجَ.

تخريج: [صحيح] تقدم، ح: ٣٥٤١، وهو في الكبرى، ح: ٥٧٠٧.

٣٥٤٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنِ ابْنِ الْقَاسِمِ، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ: أَنَّ عَبْدَ اللهِ بْنَ عَبَّاسٍ وَأَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمٰنِ اخْتَلَفَا فِي الْمَرْأَةِ تُنْفَسُ بَعْدَ وَفَاةِ زَوْجِهَا بِلَيَالٍ، فَقَالَ عَبْدُ اللهِ ابْنُ عَبَّاسٍ: آخِرُ الْأَجَلَيْنِ، وَقَالَ أَبُو سَلَمَةَ: إِذَا نُفِسَتْ فَقَدْ حَلَّتْ، فَجَاءَ أَبُو هُرَيْرَةَ فَقَالَ: أَنَا مَعَ ابْنِ أَخِي - يَعْنِي أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمٰنِ - فَبَعَثُوا كُرَيْبًا مَوْلَى ابْنِ عَبَّاسٍ إِلَى أُمِّ سَلَمَةَ يَسْأَلُهَا عَنْ ذٰلِكَ، فَجَاءَهُمْ فَأَخْبَرَهُمْ أَنَّهَا قَالَتْ: وَلَدَتْ سُبَيْعَةُ بَعْدَ وَفَاةِ زَوْجِهَا بِلَيَالٍ، فَذَكَرَتْ ذٰلِكَ لِرَسُولِ اللهِ ﷺ فَقَالَ: «قَدْ حَلَلْتِ».

3544. It was narrated from Sulaimân bin Yasâr that 'Abdullâh bin 'Abbâs and Abû Salamah bin 'Abdur-Raḥmân disagreed concerning a woman who gave birth one day after her husband died. 'Abdullâh bin 'Abbâs said: "(She should wait) for the longer of the two periods." Abû Salamah said: "When she has given birth, it becomes permissible for her to remarry." Abû Hurairah came and said: "I agree with my brother's son" – meaning Abû Salamah bin 'Abdur-Raḥmân. They sent Kuraib, the freed slave of Ibn 'Abbâs, to Umm Salamah to ask her about that. He came back to them and told them that she said: "Subai'ah gave birth one day after her husband died;" she mentioned that to the Messenger of Allâh ﷺ and he said: "It has become permissible for you to marry." (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح: ٣٥٤١، وهو في الموطأ (يحيى): ٢/ ٥٩٠، والكبرى، ح: ٥٧٠٨.

٣٥٤٥ - أَخْبَرَنَا حُسَيْنُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا جَعْفَرُ بْنُ عَوْنٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ قَالَ: أَخْبَرَنِي سُلَيْمَانُ بْنُ يَسَارٍ قَالَ: أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمٰنِ قَالَ: كُنْتُ أَنَا وَابْنُ عَبَّاسٍ وَأَبُو هُرَيْرَةَ، فَقَالَ ابْنُ عَبَّاسٍ: إِذَا وَضَعَتِ الْمَرْأَةُ بَعْدَ وَفَاةِ زَوْجِهَا فَإِنَّ عِدَّتَهَا آخِرُ الْأَجَلَيْنِ، فَقَالَ أَبُو سَلَمَةَ:

3545. Abû Salamah bin 'Abdur-Raḥmân said: "Ibn 'Abbâs, Abû Hurairah and I were together, and Ibn 'Abbâs said: 'If a woman gives birth after her husband dies, her *'Iddah* is the longer of the two periods.'" Abû Salamah said: "We sent Kuraib to Umm Salamah to ask her about that. He came to us and told us from her that the husband of Subai'ah died and she gave birth a few days after her

فَبَعَثْنَا كُرَيْبًا إِلَى أُمِّ سَلَمَةَ يَسْأَلُهَا عَنْ ذٰلِكَ، فَجَاءَنَا مِنْ عِنْدِهَا أَنَّ سُبَيْعَةَ تُوُفِّيَ عَنْهَا زَوْجُهَا، فَوَضَعَتْ بَعْدَ وَفَاةِ زَوْجِهَا بِأَيَّامٍ، فَأَمَرَهَا رَسُولُ اللهِ ﷺ أَنْ تَزَوَّجَ.

husband died, and the Messenger of Allâh ﷺ told her to get married." (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح:٣٥٤١، وهو في الكبرٰى، ح:٥٧٠٩.

٣٥٤٦ - أَخْبَرَنَا عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ ابْنِ اللَّيْثِ بْنِ سَعْدٍ قَالَ: حَدَّثَنِي أَبِي عَنْ جَدِّي قَالَ: حَدَّثَنِي جَعْفَرُ بْنُ رَبِيعَةَ عَنْ عَبْدِ الرَّحْمٰنِ بْنِ هُرْمُزَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمٰنِ أَنَّ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ أَخْبَرَتْهُ عَنْ أُمِّهَا أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ ﷺ: أَنَّ امْرَأَةً مِنْ أَسْلَمَ يُقَالُ لَهَا سُبَيْعَةُ كَانَتْ تَحْتَ زَوْجِهَا، فَتُوُفِّيَ عَنْهَا وَهِيَ حُبْلَى، فَخَطَبَهَا أَبُو السَّنَابِلِ ابْنُ بَعْكَكٍ فَأَبَتْ أَنْ تَنْكِحَهُ، فَقَالَ: مَا يَصْلُحُ لَكِ أَنْ تَنْكِحِي حَتَّى تَعْتَدِّي آخِرَ الْأَجَلَيْنِ، فَمَكَثَتْ قَرِيبًا مِنْ عِشْرِينَ لَيْلَةً ثُمَّ نُفِسَتْ، فَجَاءَتْ رَسُولَ اللهِ ﷺ فَقَالَ: «انْكِحِي».

3546. It was narrated from Abû Salamah bin 'Abdur-Raḥmân that Zainab bint Abî Salamah told him, from her mother, Umm Salamah, the wife of the Prophet ﷺ: "That a woman from Aslam who was called Subai'ah was married to her husband, and he died while she was pregnant. Abû As-Sanâbil bin Ba'kak proposed to her but she refused to marry him. He said: 'You cannot get married until you have observed *'Iddah* for the longer of the two periods.' Approximately twenty days later she gave birth. She went to the Messenger of Allâh ﷺ and he said: 'Get married.'" (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، الطلاق، باب:﴿وأولات الأحمال أجلهن أن يضعن حملهن﴾، ح:٥٣١٨ من حديث الليث بن سعد به، وهو في الكبرٰى، ح:٥٧١٠.

Comments:

It transpires from the outward wordings (of the *Ḥadîth*) that Abû Al-Sanâbil had made the proposal immediately after the husband's death, but this is not correct. In actuality, he had proposed after the birth of the child.

٣٥٤٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي دَاوُدُ بْنُ أَبِي عَاصِمٍ أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمٰنِ أَخْبَرَهُ قَالَ: بَيْنَمَا أَنَا وَأَبُو هُرَيْرَةَ عِنْدَ ابْنِ عَبَّاسٍ إِذْ جَاءَتِ امْرَأَةٌ

3547. Abû Salamah bin 'Abdur-Raḥmân said: "While Abû Hurairah and I were with Ibn 'Abbâs, a woman came and said that her husband had died while she was pregnant, then she had given birth less than four months after the day he died. Ibn 'Abbâs said: '(You have

فَقَالَتْ: تُوُفِّيَ عَنْهَا زَوْجُهَا وَهِيَ حَامِلٌ، فَوَلَدَتْ لِأَدْنَى مِنْ أَرْبَعَةِ أَشْهُرٍ مِنْ يَوْمِ مَاتَ، فَقَالَ ابْنُ عَبَّاسٍ: آخِرُ الْأَجَلَيْنِ، فَقَالَ أَبُو سَلَمَةَ: أَخْبَرَنِي رَجُلٌ مِنْ أَصْحَابِ النَّبِيِّ ﷺ أَنَّ سُبَيْعَةَ الْأَسْلَمِيَّةَ جَاءَتْ إِلَى رَسُولِ اللهِ ﷺ فَقَالَتْ: تُوُفِّيَ عَنْهَا زَوْجُهَا وَهِيَ حَامِلٌ، فَوَلَدَتْ لِأَدْنَى مِنْ أَرْبَعَةِ أَشْهُرٍ، فَأَمَرَهَا رَسُولُ اللهِ ﷺ أَنْ تَتَزَوَّجَ، قَالَ أَبُو هُرَيْرَةَ: وَأَنَا أَشْهَدُ عَلَى ذٰلِكَ.

to wait) for the longer of the two periods.'" Abû Salamah said: "A man from among the Companions of the Prophet ﷺ told me that Subai'ah Al-Aslamiyyah came to the Messenger of Allâh ﷺ and said that her husband died while she was pregnant, and she gave birth less than four months after he died. The Messenger of Allâh ﷺ told her to get married. Abû Hurairah said: 'And I bear witness to that.'" (*Sahîh*)

تخريج: [إسناده صحيح] وهو في الكبرى، ح: ٥٧١١.

٣٥٤٨ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ أَنَّ عُبَيْدَ اللهِ بْنَ عَبْدِ اللهِ حَدَّثَهُ أَنَّ أَبَاهُ كَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ اللهِ بْنِ أَرْقَمَ الزُّهْرِيِّ يَأْمُرُهُ أَنْ يَدْخُلَ عَلَى سُبَيْعَةَ بِنْتِ الْحَارِثِ الْأَسْلَمِيَّةِ، فَيَسْأَلُهَا حَدِيثَهَا وَعَمَّا قَالَ لَهَا رَسُولُ اللهِ ﷺ حِينَ اسْتَفْتَتْهُ، فَكَتَبَ عُمَرُ بْنُ عَبْدِ اللهِ إِلَى عَبْدِ اللهِ بْنِ عُتْبَةَ يُخْبِرُهُ: أَنَّ سُبَيْعَةَ أَخْبَرَتْهُ أَنَّهَا كَانَتْ تَحْتَ سَعْدِ بْنِ خَوْلَةَ - وَهُوَ مِنْ بَنِي عَامِرِ بْنِ لُؤَيٍّ وَكَانَ مِمَّنْ شَهِدَ بَدْرًا - فَتُوُفِّيَ عَنْهَا زَوْجُهَا فِي حَجَّةِ الْوَدَاعِ وَهِيَ حَامِلٌ، فَلَمْ تَنْشَبْ أَنْ وَضَعَتْ حَمْلَهَا بَعْدَ وَفَاتِهِ، فَلَمَّا تَعَلَّتْ مِنْ نِفَاسِهَا تَجَمَّلَتْ لِلْخُطَّابِ، فَدَخَلَ عَلَيْهَا أَبُو السَّنَابِلِ بْنُ بَعْكَكٍ - رَجُلٌ مِنْ بَنِي عَبْدِ الدَّارِ - فَقَالَ لَهَا: مَا لِي أَرَاكِ مُتَجَمِّلَةً؟

3548. 'Ubaidullâh bin 'Abdullâh narrated that his father wrote to 'Umar bin 'Abdullâh bin Arqam Az-Zuhrî, telling him to go to Subai'ah bint Al-Hârith Al-Aslamiyyah and ask her about her *Hadîth* and what the Messenger of Allâh ﷺ had said to her when she consulted him. 'Umar bin 'Abdullâh wrote back to 'Abdullâh bin 'Utbah telling him that Subai'ah told him, that she was married to Sahl bin Khawlah – who was from Banu 'Âmir bin Lu'ayy and who was one of those who had been present at Badr – and her husband died during the Farewell Pilgrimage while she was pregnant. She gave birth soon after he died, and when her *Nifâs* ended she adorned herself to receive proposals of marriage. Abû As-Sanâbil bin Ba'kak – a man from Banu 'Abd Ad-Dâr – went to her and said to her: 'Why do I see you

adorned? Perhaps you want to get married, but by Allâh you will not get married until four months and ten days have passed.' Subai'ah said: 'When he said that to me, I put on my clothes in the evening and went to the Messenger of Allâh ﷺ and asked him about that. He ruled that it had become permissible for me to marry when I gave birth, and he told me to get married if I wanted to.'" (*Ṣaḥîḥ*)

لَعَلَّكِ تُرِيدِينَ النِّكَاحَ، إِنَّكِ وَاللَّهِ! مَا أَنْتِ بِنَاكِحٍ حَتَّى تَمُرَّ عَلَيْكِ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا، قَالَتْ سُبَيْعَةُ: فَلَمَّا قَالَ لِي ذٰلِكَ جَمَعْتُ عَلَيَّ ثِيَابِي حِينَ أَمْسَيْتُ، فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَسَأَلْتُهُ عَنْ ذٰلِكَ، فَأَفْتَانِي بِأَنِّي قَدْ حَلَلْتُ حِينَ وَضَعْتُ حَمْلِي، وَأَمَرَنِي بِالتَّزْوِيجِ إِنْ بَدَا لِي.

تخريج: أخرجه مسلم، الطلاق، باب انقضاء عدة المتوفى عنها وغيرها بوضع الحمل، ح:١٤٨٤ من حديث ابن وهب به، وعلقه البخاري، المغازي، ح:٣٩٩١ من حديث يونس بن يزيد الأيلي ومن ابن وهب أيضًا، وهو في الكبرٰى، ح:٥٧١٢.

Comments:

Upon delivery (birth of a child), the waiting period ends. But since marriage is not generally committed in the state of postnatal bleeding (*Nifâs*), it comes in some reports 'when you become pure.' Otherwise the postnatal bleeding is not included in the waiting period.

3549. It was narrated that Yazîd bin Abî Ḥabîb that Muḥammad bin Muslim Az-Zuhrî wrote to him mentioning that 'Ubaidullâh bin 'Abdullâh told him, that Zufar bin Aws bin Al-Ḥada<u>th</u>ân An-Naṣrî told him that Abû As-Sanâbil bin Ba'kak bin As-Sabbâq said to Subai'ah Al-Aslamiyyah: "It is not permissible for you to get married until four months and ten days, the longer of the two periods, have passed." She went to the Messenger of Allâh ﷺ and asked him about that. She said that the Messenger of Allâh ﷺ ruled that she could get married when she had given birth. She was nine months pregnant when her husband died, and she was married to Sa'd bin <u>Kh</u>awlah, who died

٣٥٤٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ وَهْبٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنِي أَبُو عَبْدِ الرَّحِيمِ قَالَ: حَدَّثَنِي زَيْدُ بْنُ أَبِي أُنَيْسَةَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ الزُّهْرِيِّ قَالَ: كَتَبَ إِلَيْهِ يَذْكُرُ أَنَّ عُبَيْدَ اللهِ بْنَ عَبْدِ اللهِ حَدَّثَهُ أَنَّ زُفَرَ بْنَ أَوْسِ بْنِ الْحَدَثَانِ النَّصْرِيَّ حَدَّثَهُ: أَنَّ أَبَا السَّنَابِلِ بْنَ بَعْكَكِ بْنِ السَّبَّاقِ قَالَ لِسُبَيْعَةَ الْأَسْلَمِيَّةِ: لَا تَحِلِّينَ حَتَّى تَمُرَّ عَلَيْكِ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا؛ أَقْصَى الْأَجَلَيْنِ، فَأَتَتْ رَسُولَ اللهِ ﷺ فَسَأَلَتْهُ عَنْ ذٰلِكَ، فَزَعَمَتْ أَنَّ رَسُولَ اللهِ ﷺ أَفْتَاهَا أَنْ تَنْكِحَ إِذَا وَضَعَتْ حَمْلَهَا، وَكَانَتْ حُبْلَى فِي تِسْعَةِ أَشْهُرٍ حِينَ تُوُفِّيَ زَوْجُهَا، وَكَانَتْ تَحْتَ سَعْدِ بْنِ خَوْلَةَ فَتُوُفِّيَ فِي حَجَّةِ الْوَدَاعِ مَعَ

رَسُولِ اللهِ ﷺ، فَنَكَحَتْ فَتًى مِنْ قَوْمِهَا حِينَ وَضَعَتْ مَا فِي بَطْنِهَا.

during the Farewell Pilgrimage with the Messenger of Allâh ﷺ. She married a young man from her people when she had given birth to (the child)." (*Sahîh*)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٥٧١٣.

٣٥٥٠ - أَخْبَرَنَا كَثِيرُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنِ الزُّبَيْدِيِّ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ أَنَّ عَبْدَ اللهِ بْنَ عُتْبَةَ كَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ اللهِ بْنِ الْأَرْقَمِ الزُّهْرِيِّ أَنِ: ادْخُلْ عَلَى سُبَيْعَةَ بِنْتِ الْحَارِثِ الْأَسْلَمِيَّةِ، فَاسْأَلْهَا عَمَّا أَفْتَاهَا بِهِ رَسُولُ اللهِ ﷺ فِي حَمْلِهَا، قَالَ: فَدَخَلَ عَلَيْهَا عُمَرُ بْنُ عَبْدِ اللهِ فَسَأَلَهَا، فَأَخْبَرَتْهُ أَنَّهَا كَانَتْ تَحْتَ سَعْدِ بْنِ خَوْلَةَ وَكَانَ مِنْ أَصْحَابِ رَسُولِ اللهِ ﷺ مِمَّنْ شَهِدَ بَدْرًا فَتُوُفِّيَ عَنْهَا فِي حَجَّةِ الْوَدَاعِ، فَوَلَدَتْ قَبْلَ أَنْ تَمْضِيَ لَهَا أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا مِنْ وَفَاةِ زَوْجِهَا، فَلَمَّا تَعَلَّتْ مِنْ نِفَاسِهَا دَخَلَ عَلَيْهَا أَبُو السَّنَابِلِ - رَجُلٌ مِنْ بَنِي عَبْدِ الدَّارِ - فَرَآهَا مُتَجَمِّلَةً فَقَالَ: لَعَلَّكِ تُرِيدِينَ النِّكَاحَ قَبْلَ أَنْ تَمُرَّ عَلَيْكِ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا، قَالَتْ: فَلَمَّا سَمِعْتُ ذٰلِكَ مِنْ أَبِي السَّنَابِلِ جِئْتُ رَسُولَ اللهِ ﷺ فَحَدَّثْتُهُ حَدِيثِي، فَقَالَ رَسُولُ اللهِ ﷺ: «قَدْ حَلَلْتِ حِينَ وَضَعْتِ حَمْلَكِ».

3550. It was narrated from 'Ubaidullâh bin 'Abdullâh that 'Abdullâh bin 'Utbah wrote to 'Umar bin 'Abdullâh bin Al-Arqam Az-Zuhrî, telling him: "Go to Subai'ah bint Al-Hârith Al-Aslamiyyah, and ask her about the ruling of the Messenger of Allâh ﷺ concerning her pregnancy." He said: "So 'Umar bin 'Abdullâh went to her and asked her. She told him that she was married to Sa'd bin Khawlah, who was one of the Companions of the Messenger of Allâh ﷺ who had been present at Badr. He died during the Farewell Pilgrimage, and she gave birth before four months and ten days had passed since her husband's death. When her *Nifâs* ended, Abû As-Sanâbil – a man from Banu 'Abd Ad-Dâr – went to her and saw that she had adorned herself. He said: 'Perhaps you want to get married before four months and ten days have passed?' She said: 'When I heard that from Abû As-Sanâbil, I went to the Messenger of Allâh ﷺ and told him my story. The Messenger of Allâh ﷺ said: 'It permissible for you to marry when you gave birth.'" (*Sahîh*)

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح: ٥٧١٤ .

Comments:

Sa'd bin Khawla was an emigrant, but died in Makkah at the time of the

Farewell Pilgrimage. Allâh's Messenger ﷺ had expressed sorrow also over this incident.

3551. It was narrated that Muḥammad said: "I was sitting with some people in Al-Kufah in a large gathering of the Anṣâr, among whom was 'Abdur-Raḥmân bin Abî Laila. They spoke about the story of Subai'ah and I mentioned what 'Abdullâh bin 'Utbah bin Mas'ûd had said in meaning." (One the narrators) Ibn 'Awn's saying was: "when she gives birth." Ibn Abî Layla said: 'But his (paternal) uncle did not say that.' I raised my voice and said: 'Would I dare to tell lies about 'Abdullâh bin 'Utbah when he is in the vicinity of Al-Kufah?'" He said: "Then I met Mâlik and said: 'What did Ibn Mas'ûd say about the story of Subai'ah?' He said: 'He said: "Are you going to be too strict with her and not allow her the concession (with regard to the *'Iddah*)? The shorter *Sûrah* about women (*Aṭ-Ṭalâq*) was revealed after the longer one (*Al-Baqarah*)." (*Ṣaḥîḥ*)

٣٥٥١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ عَنْ مُحَمَّدٍ قَالَ: كُنْتُ جَالِسًا فِي نَاسٍ بِالْكُوفَةِ فِي مَجْلِسٍ لِلْأَنْصَارِ عَظِيمٍ فِيهِمْ عَبْدُ الرَّحْمٰنِ بْنُ أَبِي لَيْلَى، فَذَكَرُوا شَأْنَ سُبَيْعَةَ، فَذَكَرْتُ عَنْ عَبْدِ اللهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ فِي مَعْنَى قَوْلِ ابْنِ عَوْنٍ: حَتَّى تَضَعَ، قَالَ ابْنُ أَبِي لَيْلَى: لٰكِنَّ عَمَّهُ لَا يَقُولُ ذٰلِكَ، فَرَفَعْتُ صَوْتِي وَقُلْتُ: إِنِّي لَجَرِيءٌ أَنْ أَكْذِبَ عَلَى عَبْدِ اللهِ بْنِ عُتْبَةَ وَهُوَ فِي نَاحِيَةِ الْكُوفَةِ؟ قَالَ: فَلَقِيتُ مَالِكًا قُلْتُ: كَيْفَ كَانَ ابْنُ مَسْعُودٍ يَقُولُ فِي شَأْنِ سُبَيْعَةَ؟ قَالَ: قَالَ: أَتَجْعَلُونَ عَلَيْهَا التَّغْلِيظَ وَلَا تَجْعَلُونَ لَهَا الرُّخْصَةَ؟ لَأُنْزِلَتْ سُورَةُ النِّسَاءِ الْقُصْرَى بَعْدَ الطُّولَى.

تخريج: أخرجه البخاري، التفسير، باب:﴿والذين يتوفون منكم ويذرون أزواجًا ...﴾ إلخ، ح:٤٥٣٢ من حديث ابن عون به، وهو في الكبرٰى، ح:٥٧١٥.

Comments:

1. 'Be too strict?' means if the woman is made to adhere to the ultimate waiting period, then it is placing undue hardship upon her. That means if she gives birth to a child first, then she should complete four months and ten days; and if four months and ten days end first, she should wait for the child to be born. So to speak, 'Abdullâh bin Mas'ud did not approve of this. For a pregnant woman, he used to stipulate the delivery as the waiting period also.
2. 'Shorter *Surah* about women' means *Surat At-Talâq* in which the Verse occurs: "And those who are with child, the end of their waiting period shall come when they deliver their burden (birth of a child)." (*An-Nisa:* 4)
3. The longer one' signifies that long or detailed *Surah* in which women's issues have been delineated. This means *Surat Al-Baqarah*, in which it has been mentioned that a woman whose husband dies, should wait for a period of four

months and ten days (before she may remarry).

4. The purpose of 'Abdullâh bin Mas'ud is that the Command concerning the pregnant woman was mentioned later; therefore, they are exempt from the restriction or command of four months and ten days, and this appears to be the best view.

٣٥٥٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ مِسْكِينِ بْنِ نُمَيْلَةَ - يَمَامِيٌّ - قَالَ: أَخْبَرَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ قَالَ: أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ ح وَأَخْبَرَنِي مَيْمُونُ بْنُ الْعَبَّاسِ: حَدَّثَنَا سَعِيدُ بْنُ الْحَكَمِ بْنِ أَبِي مَرْيَمَ: أَخْبَرَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنِي ابْنُ شُبْرُمَةَ الْكُوفِيُّ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ، عَنْ عَلْقَمَةَ بْنِ قَيْسٍ: أَنَّ ابْنَ مَسْعُودٍ قَالَ: مَنْ شَاءَ لَاعَنْتُهُ مَا أُنْزِلَتْ ﴿وَأُوْلَٰتُ ٱلْأَحْمَالِ أَجَلُهُنَّ أَن يَضَعْنَ حَمْلَهُنَّ﴾ [الطلاق: ٤] إِلَّا بَعْدَ آيَةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا، إِذَا وَضَعَتِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا فَقَدْ حَلَّتْ. وَاللَّفْظُ لِمَيْمُونٍ.

3552. It was narrated from 'Alqamah bin Qais that Ibn Mas'ûd said: "Whoever wants, I will meet and debate with him and invoke the curse of Allâh upon those who lie. The Verse: And for those who are pregnant (whether they are divorced or their husbands are dead), their *'Iddah* (prescribed period) is until they lay down their burden.'[1] was only revealed after the Verse about women whose husbands die. 'When a woman whose husband has died gives birth, it becomes permissible for her to marry.''' (*Ṣaḥîḥ*) This is the wording of Maimûn (one of the narrators).

تخريج: [صحيح] أخرجه الطبراني (الكبير: ٩/ ٣٨٤) ح: ٩٦٤٢، والبيهقي: ٧/ ٤٣٧ من حديث ابن أبي مريم به، وهو في الكبرى، ح: ٥٧١٦.

٣٥٥٣ - أَخْبَرَنَا أَبُو دَاوُدَ سُلَيْمَانُ بْنُ سَيْفٍ قَالَ: حَدَّثَنَا الْحَسَنُ - وَهُوَ ابْنُ أَعْيَنَ - قَالَ: حَدَّثَنَا زُهَيْرٌ؛ ح وَأَخْبَرَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا زُهَيْرُ بْنُ مُعَاوِيَةَ قَالَ: حَدَّثَنَا أَبُو إِسْحَاقَ عَنِ الْأَسْوَدِ وَمَسْرُوقٍ وَعَبِيدَةَ، عَنْ عَبْدِ اللَّهِ: أَنَّ سُورَةَ النِّسَاءِ الْقُصْرَى نَزَلَتْ بَعْدَ الْبَقَرَةِ.

3553. It was narrated from 'Abdullâh that the shorter *Sûrah*, that speaks of women (*Aṭ-Ṭalâq*), was revealed after *Al-Baqarah*. (*Ṣaḥîḥ*)

تخريج: [صحيح] أخرجه الطبراني: ٩/ ٣٨٤، ٣٨٥، ح: ٩٦٤٤ من حديث زهير بن معاوية

[1] *Aṭ-Ṭalâq* 65:4.

به، وهو في الكبرى، ح:٥٧١٧، وللحديث طرق كثيرة، انظر، ح:٣٥٥١.

Comments:
See No. 3551

Chapter 57. The *'Iddah* Of A Woman Whose Husband Dies Before Consummating The Marriage

(المعجم ٥٧) - عِدَّةُ الْمُتَوَفَّى عَنْهَا زَوْجُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا (التحفة ٥٧)

3554. It was narrated from Ibn Mas'ûd, that he was asked about a man who married a woman, but did not name a *Mahr* or consummate the marriage before he died. Ibn Mas'ûd said: "She should have a *Mahr* like that of women like her, no less and no more; she has to observe the *'Iddah*, and she is entitled to inherit." Ma'qil bin Sinân Al-Ashja'î stood up and said: "The Messenger of Allâh ﷺ passed a similar judgment among us concerning Birwa' bint Wâshiq." And Ibn Mas'ûd rejoiced at that. (*Sahîh*)

٣٥٥٤ - أَخْبَرَنَا مَحْمُودُ بْنُ غَيْلَانَ قَالَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنِ ابْنِ مَسْعُودٍ: أَنَّهُ سُئِلَ عَنْ رَجُلٍ تَزَوَّجَ امْرَأَةً وَلَمْ يَفْرِضْ لَهَا صَدَاقًا وَلَمْ يَدْخُلْ بِهَا حَتَّى مَاتَ، قَالَ ابْنُ مَسْعُودٍ: لَهَا مِثْلُ صَدَاقِ نِسَائِهَا لَا وَكْسَ وَلَا شَطَطَ، وَعَلَيْهَا الْعِدَّةُ وَلَهَا الْمِيرَاثُ، فَقَامَ مَعْقِلُ بْنُ سِنَانٍ الْأَشْجَعِيُّ فَقَالَ: قَضَى فِينَا رَسُولُ اللهِ ﷺ فِي بِرْوَعَ بِنْتِ وَاشِقٍ امْرَأَةٍ مِنَّا مِثْلَ مَا قَضَيْتَ، فَفَرِحَ ابْنُ مَسْعُودٍ.

تخريج: [صحيح] تقدم، ح:٣٣٥٦، وهو في الكبرى، ح:٥٧١٨.

Comments:

Despite not having had copulation, she would be considered a wife, because the marriage has been contracted. Non-fixation of the dower is not the negation of the marriage contract, although the dower should not be put off absolutely. (See *Hadîth* 3556).

Chapter 58. Mourning

(المعجم ٥٨) - بَابُ الْإِحْدَادِ (التحفة ٥٨)

3555. It was narrated from 'Âishah that the Messenger of Allâh ﷺ said: "It is not permissible for a woman to mourn for anyone who dies for more than three days, except for her husband." (*Sahîh*)

٣٥٥٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُحِدُّ عَلَى مَيِّتٍ أَكْثَرَ مِنْ ثَلَاثٍ، إِلَّا عَلَى زَوْجِهَا».

تخريج: أخرجه مسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة وتحريمه في غير ذلك،

إلا ثلاثة أيام، ح:١٤٩١ من حديث سفيان بن عيينة به، وهو في الكبرٰى، ح:٥٧١٩.

3556. It was narrated from 'Âishah that the Prophet ﷺ said: "It is not permissible for a woman who believes in Allâh and the Last Day to mourn for more than three days, except for her husband.'" (*Sahîh*)

٣٥٥٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْمَرٍ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ كَثِيرٍ قَالَ: حَدَّثَنَا الزُّهْرِيُّ عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحِدَّ فَوْقَ ثَلَاثَةِ أَيَّامٍ، إِلَّا عَلَى زَوْجٍ».

تخريج: [صحيح] أخرجه أحمد:٦/٢٤٩ من حديث سليمان بن كثير به، وهو في الكبرٰى، ح:٥٧٢٠، وانظر الحديث السابق.

Comments:

'Who believes in Allâh': The denial of faith for an action indicates the act is unlawful.

Chapter 59. Mourning Is Waived For A *Kitâbî* Widow

(المعجم ٥٩) - **بَابُ سُقُوطِ الْإِحْدَادِ عَنِ الْكِتَابِيَّةِ الْمُتَوَفَّى عَنْهَا زَوْجُهَا** (التحفة ٥٩)

3557. It was narrated from Zainab bint Abî Salamah that Umm Ḥabîbah said: "I heard the Messenger of Allâh ﷺ say on this *Minbar*: 'It is not permissible for any woman who believes in Allâh and His Messenger to mourn for anyone who dies for more than three days, except for a husband, (for whom the mourning period is) four months and ten days.'" (*Sahîh*)

٣٥٥٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا اللَّيْثُ قَالَ: حَدَّثَنِي أَيُّوبُ بْنُ مُوسَى عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ أَنَّ أُمَّ حَبِيبَةَ قَالَتْ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ عَلَى هٰذَا الْمِنْبَرِ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَرَسُولِهِ أَنْ تُحِدَّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثِ لَيَالٍ، إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

تخريج: [صحيح] تقدم، ح:٣٥٣٠، وهو في الكبرٰى، ح:٥٧٢١.

Comments:

The deduction of evidence from this *Ḥadîth* for this chapter is based upon its apparent wordings.

Chapter 60. The Woman Whose Husband Has Died Staying In Her House Until It Becomes Permissible For Her To Remarry

(المعجم ٦٠) - مَقَامُ الْمُتَوَفَّى عَنْهَا زَوْجُهَا فِي بَيْتِهَا حَتَّى تَحِلَّ (التحفة ٦٠)

3558. It was narrated from Al-Fâri'ah bint Mâlik that her husband went out to pursue some slaves and they killed him. Shu'bah and Ibn Juraij said: "She was in a remote house. She came with her brothers to the Messenger of Allâh ﷺ and told him (about the situation) and he granted her a concession. When she was leaving he called her back and said: 'Stay in your house until the term prescribed is fulfilled.'" (*Sahîh*)

٣٥٥٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ شُعْبَةَ وَابْنِ جُرَيْجٍ وَيَحْيَى بْنِ سَعِيدٍ وَمُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ سَعْدِ بْنِ إِسْحَاقَ، عَنْ زَيْنَبَ بِنْتِ كَعْبٍ عَنِ الْفَارِعَةِ بِنْتِ مَالِكٍ: أَنَّ زَوْجَهَا خَرَجَ فِي طَلَبِ أَعْلَاجٍ فَقَتَلُوهُ، قَالَ شُعْبَةُ وَابْنُ جُرَيْجٍ: وَكَانَتْ فِي دَارٍ قَاصِيَةٍ، فَجَاءَتْ وَمَعَهَا أَخُواهَا إِلَى رَسُولِ اللهِ ﷺ فَذَكَرُوا لَهُ فَرَخَّصَ لَهَا، حَتَّى إِذَا رَجَعَتْ دَعَاهَا فَقَالَ: «اجْلِسِي فِي بَيْتِكِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ».

تخريج: [إسناده صحيح] أخرجه أبو داود، الطلاق، باب: في المتوفى عنها تنتقل، ح:٢٣٠٠ من حديث سعد بن إسحاق بن كعب بن عجرة به، وقال الترمذي، ح:١٢٠٤ "حسن صحيح"، وهو في الكبرى، ح:٥٧٢٢، وصححه الذهلي، والحاكم، والذهبي.

Comments:

1. From this we learn that during the waiting term caused by death, it is essential for the widow to remain in the house of her deceased husband. This is exactly the view adopted by the majority of the people of knowledge. But it is transmitted from 'Alî, Ibn 'Abbâs, 'Âishah and Jâbir that she could spend her waiting term anywhere she likes. But this *Hadîth* corroborates spending the waiting term in the husband's house. And Allâh knows best!
2. 'Remote house': Remote from habitation or from the kith and kin of the woman.

3559. It was narrated from Al-Furai'ah bint Mâlik that her husband hired some slaves to work for him and they killed him. She mentioned that to the Messenger of Allâh ﷺ and said: "I am not living in a house that belongs to him, and I do not receive

٣٥٥٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ يَزِيدَ بْنِ مُحَمَّدٍ، عَنْ سَعْدِ بْنِ إِسْحَاقَ، عَنْ عَمَّتِهِ زَيْنَبَ بِنْتِ كَعْبٍ، عَنِ الْفُرَيْعَةِ بِنْتِ مَالِكٍ: أَنَّ زَوْجَهَا تَكَارَى عُلُوجًا لِيَعْمَلُوا لَهُ فَقَتَلُوهُ،

maintenance from him; should I move to my family with my two orphans and stay with them?" He said: "Do that." Then he said: "What did you say?" So she told him again and he said: "Observe your *'Iddah* where the news came to you." (*Sahîh*)

فَذَكَرَتْ ذٰلِكَ لِرَسُولِ اللهِ ﷺ وَقَالَتْ: إِنِّي لَسْتُ فِي مَسْكَنٍ لَهُ وَلَا يَجْرِي عَلَيَّ مِنْهُ رِزْقٌ، أَفَأَنْتَقِلُ إِلَى أَهْلِي وَيَتَامَايَ وَأَقُومُ عَلَيْهِمْ؟ قَالَ: «افْعَلِي» ثُمَّ قَالَ: «كَيْفَ قُلْتِ؟» فَأَعَادَتْ عَلَيْهِ قَوْلَهَا، قَالَ: «اعْتَدِّي حَيْثُ بَلَغَكِ الْخَبَرُ».

تخريج: [إسناده صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح: ٥٧٢٣.

Comments:

'Furai'ah': In the previous narration, her name is mentioned as Fâri'ah. There is no conflict in it. Furai'ah is the diminution of Fâri'ah. She was called both. May Allâh be pleased with her.

3560. It was narrated from Furai'ah that her husband went out to pursue some slaves of his and he was killed on the edge of Al-Qadûm. She said: "I came to the Prophet ﷺ and mentioned moving to (join) my family." She told him about her situation. She said: "He allowed me, then, when I turned to leave, he called me back and said: 'Stay with your family until the term prescribed is fulfilled.'" (*Sahîh*)

٣٥٦٠ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ سَعْدِ بْنِ إِسْحَاقَ، عَنْ زَيْنَبَ، عَنْ فُرَيْعَةَ: أَنَّ زَوْجَهَا خَرَجَ فِي طَلَبِ أَعْلَاجٍ لَهُ فَقُتِلَ بِطَرَفِ الْقَدُومِ، قَالَتْ: فَأَتَيْتُ النَّبِيَّ ﷺ فَذَكَرْتُ لَهُ النُّقْلَةَ إِلَى أَهْلِي، وَذَكَرَتْ لَهُ حَالًا مِنْ حَالِهَا، قَالَتْ: فَرَخَّصَ لِي، فَلَمَّا أَقْبَلْتُ نَادَانِي فَقَالَ: «امْكُثِي فِي أَهْلِكِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ».

تخريج: [إسناده صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح: ٥٧٢٤.

Comments:

'Stay with your family': The home was not owned by her husband, but she was also not told to leave it.

Chapter 61. Concession Allowing A Woman Whose Husband Has Died To Observe Her *'Iddah* Wherever She Wants

(المعجم ٦١) - **بَابُ الرُّخْصَةِ لِلْمُتَوَفَّى عَنْهَا زَوْجُهَا أَنْ تَعْتَدَّ حَيْثُ شَاءَتْ**

(التحفة ٦١)

3561. It was narrated from Ibn 'Abbâs that this Verse abrogated the woman's *'Iddah* among her family, and she may observe her *'Iddah* wherever she wants. That is

٣٥٦١ - أَخْبَرَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا وَرْقَاءُ عَنِ ابْنِ أَبِي نَجِيحٍ: قَالَ عَطَاءٌ عَنِ ابْنِ

the saying of Allâh, the Mighty and Sublime: without turning them out.[1] (*Ṣaḥîḥ*)

عَبَّاسٍ: نَسَخَتْ هٰذِهِ الْآيَةُ عِدَّتَهَا فِي أَهْلِهَا فَتَعْتَدُّ حَيْثُ شَاءَتْ، وَهُوَ قَوْلُ اللهِ عَزَّ وَجَلَّ ﴿غَيْرَ إِخْرَاجٍ﴾ [البقرة: ٢٤٠].

تخريج: أخرجه البخاري، التفسير، باب: "والذين يتوفون منكم ويذرون أزواجًا ... الخ"، ح: ٤٥٣١ من حديث ورقاء به، وهو في الكبرٰى، ح: ٥٧٢٥.

Chapter 62. The *'Iddah* Of A Woman Whose Husband Has Died, Starts From The Day The News Reached Her

(المعجم ٦٢) - عِدَّةُ الْمُتَوَفَّى عَنْهَا زَوْجُهَا مِنْ يَوْمٍ يَأْتِيهَا الْخَبَرُ (التحفة ٦٢)

3562. Furai'ah bint Mâlik, the sister of Abû Sa'eed Al-Khudrî, said: "My husband died in Al-Qadûm, so I went to the Prophet ﷺ and told him that our house was remote." He gave her permission then he called her back and said: "Stay in your house for four months and ten days, until the term prescribed is fulfilled.'" (*Ṣaḥîḥ*)

٣٥٦٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ عَنْ سُفْيَانَ، عَنْ سَعْدِ بْنِ إِسْحَاقَ قَالَ: حَدَّثَتْنِي زَيْنَبُ بِنْتُ كَعْبٍ قَالَتْ: حَدَّثَتْنِي فُرَيْعَةُ بِنْتُ مَالِكٍ أُخْتُ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَتْ: تُوُفِّيَ زَوْجِي بِالْقَدُومِ، فَأَتَيْتُ النَّبِيَّ ﷺ فَذَكَرْتُ لَهُ أَنَّ دَارَنَا شَاسِعَةٌ، فَأَذِنَ لَهَا، ثُمَّ دَعَاهَا فَقَالَ: «امْكُثِي فِي بَيْتِكِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ».

تخريج: [إسناده صحيح] تقدم، ح: ٣٥٥٨، وهو في الكبرٰى، ح: ٥٧٢٦.

Comments:

Since he did not say: 'minus the number of days that passed since his death' the author has used it to prove the chapter heading.

Chapter 63. Putting On Adornment Is For The Grieving Muslim Women, Not For Jewish Or Christian Women

(المعجم ٦٣) - الزِّينَةُ لِلْحَادَّةِ الْمُسْلِمَةِ دُونَ الْيَهُودِيَّةِ وَالنَّصْرَانِيَّةِ (التحفة ٦٣)

3563. It was narrated from Ḥumaid bin Nâfi' that Zainab bint Abî Salamah told him these three *Ḥâdîths*. Zainab said: "I entered

٣٥٦٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لَهُ - قَالَ: أَخْبَرَنَا ابْنُ الْقَاسِمِ عَنْ

[1] *Al-Baqarah* 2:240.

upon Umm Ḥabîbah, the wife of the Prophet ﷺ, when her father Abû Sufyân bin Ḥarb died. Umm Ḥabîbah called for some perfume and put some on a young girl, then she put some on her cheeks. Then she said: 'By Allâh, I do not have any need for perfume but I heard the Messenger of Allâh ﷺ say: It is not permissible for any woman who believes in Allâh and the Last Day to mourn for anyone who dies for more than three days, except for a husband, (for whom the mourning period is) four months and ten days.'

Zainab said: "Then I went into Zainab bint Jaḥsh when her brother died, and she called for some perfume and put some on. Then she said: 'By Allâh, I do not have any need for perfume but I heard the Messenger of Allâh ﷺ say on the *Minbar*: It is not permissible for any woman who believes in Allâh and the Last Day to mourn for anyone who dies for more than three days, except for a husband, (for whom the mourning period is) four months and ten days.'"

Zainab said: "I heard Umm Salamah say: 'A woman came to the Messenger of Allâh ﷺ and said: O Messenger of Allâh, my daughter's husband has died and she has a problem in her eye; can I put *kohl* on her? The Messenger of Allâh ﷺ said: No. Then he said: "It is four months and ten days. During the *Jâhiliyyah* one of you would throw a piece of dung at the

مَالِكٍ، عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ حُمَيْدِ ابْنِ نَافِعٍ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ أَنَّهَا أَخْبَرَتْهُ بِهٰذِهِ الْأَحَادِيثِ الثَّلَاثَةِ، قَالَتْ زَيْنَبُ: دَخَلْتُ عَلَى أُمِّ حَبِيبَةَ زَوْجِ النَّبِيِّ ﷺ حِينَ تُوُفِّيَ أَبُوهَا أَبُو سُفْيَانَ بْنُ حَرْبٍ، فَدَعَتْ أُمُّ حَبِيبَةَ بِطِيبٍ فَدَهَنَتْ مِنْهُ جَارِيَةً، ثُمَّ مَسَّتْ بِعَارِضَيْهَا، ثُمَّ قَالَتْ: وَاللّٰهِ! مَا لِي بِالطِّيبِ مِنْ حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللّٰهِ وَالْيَوْمِ الْآخِرِ تُحِدُّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثِ لَيَالٍ، إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

قَالَتْ زَيْنَبُ: ثُمَّ دَخَلْتُ عَلَى زَيْنَبَ بِنْتِ جَحْشٍ حِينَ تُوُفِّيَ أَخُوهَا وَقَدْ دَعَتْ بِطِيبٍ وَمَسَّتْ مِنْهُ، ثُمَّ قَالَتْ: وَاللّٰهِ! مَا لِي بِالطِّيبِ مِنْ حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ عَلَى الْمِنْبَرِ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللّٰهِ وَالْيَوْمِ الآخِرِ تُحِدُّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثِ لَيَالٍ، إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

وَقَالَتْ زَيْنَبُ: سَمِعْتُ أُمَّ سَلَمَةَ تَقُولُ: جَاءَتِ امْرَأَةٌ إِلَى رَسُولِ اللهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ ابْنَتِي تُوُفِّيَ عَنْهَا زَوْجُهَا وَقَدِ اشْتَكَتْ عَيْنُهَا أَفَأَكْحُلُهَا؟ فَقَالَ رَسُولُ اللهِ ﷺ: «لَا» ثُمَّ قَالَ: «إِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا، وَقَدْ كَانَتْ إِحْدَاكُنَّ فِي الْجَاهِلِيَّةِ تَرْمِي بِالْبَعْرَةِ عِنْدَ رَأْسِ الْحَوْلِ». قَالَ حُمَيْدٌ: فَقُلْتُ لِزَيْنَبَ: وَمَا تَرْمِي بِالْبَعْرَةِ عِنْدَ رَأْسِ

end of the year.' Humaid said: "I said to Zainab: 'What is this throwing a piece of dung at the end of the year?' She said: 'If a woman's husband died, she would enter a small room (*Hifsh*) and wear her worst clothes, and she would not put on perfume or anything until a year. Then an animal would be brought, a donkey or sheep or bird, and she would end her *'Iddah* with it (clean herself with it), and usually any animal used for that purpose would die. Then she would come out and would be given a piece of dung which she would throw, then she would go back to whatever she wanted of perfume, etc.'"

In the narration of Muhammad (bin Salamah) Mâlik said: *Hifsh* means hut. (*Sahîh*)

الْحَوْلِ؟ قَالَتْ زَيْنَبُ: كَانَتِ الْمَرْأَةُ إِذَا تُوُفِّيَ عَنْهَا زَوْجُهَا دَخَلَتْ حِفْشًا وَلَبِسَتْ شَرَّ ثِيَابِهَا، وَلَمْ تَمَسَّ طِيبًا وَلَا شَيْئًا حَتَّى تَمُرَّ بِهَا سَنَةٌ، ثُمَّ تُؤْتَى بِدَابَّةٍ، حِمَارٍ أَوْ شَاةٍ أَوْ طَيْرٍ فَتَفْتَضُّ بِهِ، فَقَلَّمَا تَفْتَضُّ بِشَيْءٍ إِلَّا مَاتَ، ثُمَّ تَخْرُجُ فَتُعْطَى بَعْرَةً فَتَرْمِي بِهَا، وَتُرَاجِعُ بَعْدُ مَا شَاءَتْ مِنْ طِيبٍ أَوْ غَيْرِهِ. قَالَ مَالِكٌ: تَفْتَضُّ تَمْسَحُ بِهِ. فِي حَدِيثِ مُحَمَّدٍ قَالَ مَالِكٌ: الْحِفْشُ الْخُصُّ.

تخريج: [صحيح] تقدم، ح:٣٥٣٠، وهو في الموطأ (يحيى):٢/ ٥٩٦، ٥٩٨، والكبرى، ح:٥٧٢٧.

Comments:

1. 'I do not have any need for perfume because my husband has long been dead.' Besides, applying perfume after three days' mourning is not essential either. In order to end suspicion of mourning, it is, however, recommended to apply perfume, etc. (For further details, see *Hadîth* 3531-32)

Chapter 64. What Dyed Clothes Should Be Avoided By The Woman In Mourning

(المعجم ٦٤) - مَا تَجْتَنِبُ الْحَادَّةُ مِنَ الثِّيَابِ الْمُصَبَّغَةِ (التحفة ٦٤)

3564. It was narrated that Umm 'Atiyyah said: "The Messenger of Allâh ﷺ said: 'No woman should mourn for anyone who dies for more than three days, except for a husband, for whom she should mourn for four months and ten days.

٣٥٦٤ - أَخْبَرَنَا حُسَيْنُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا هِشَامٌ عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تُحِدُّ امْرَأَةٌ عَلَى مَيِّتٍ فَوْقَ ثَلَاثٍ إِلَّا عَلَى زَوْجٍ، فَإِنَّهَا تُحِدُّ عَلَيْهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَلَا تَلْبَسُ ثَوْبًا

مَصْبُوغًا وَلَا ثَوْبَ عَصْبٍ، وَلَا تَكْتَحِلُ وَلَا تَمْتَشِطُ، وَلَا تَمَسُّ طِيبًا إِلَّا عِنْدَ طُهْرِهَا حِينَ تَطْهُرُ، نُبْذَةً مِنْ قُسْطٍ وَأَظْفَارٍ».

She should not wear garments that are dyed or patterned, or put on *kohl* or comb her hair, and she should not put on any perfume except when purifying herself after her period, when she may use a little of *Qusṭ* or *Aẓfâr*.'"[1] (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، الطلاق، باب: تلبس الحادة ثياب العصب، ح:٥٣٤٢، ومسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة وتحريمه في غير ذلك، إلا ثلاثة أيام، ح:٩٣٨/٦٦، ١٤٩١ من حديث هشام بن حسان به، وهو في الكبرٰى، ح:٥٧٢٨.

Comments:

1. 'A dyed garment' means the garment which has been dyed after it has been woven. Generally, such color happens to be bright.
2. 'Patterned': The original Arabic term used is *Thaub asab*, which means the garment which has been dyed before it has been woven.
3. 'Can use a little perfume': Such a perfume is not meant for adornment; it is meant for hiding or preventing the unpleasant smell of menses. Moreover, such a perfume would be applied under the belly after menstruation, and not on the rest of the body.

٣٥٦٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَحْيَى - يعنى ابْنَ أَبِي بُكَيْرٍ - قَالَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ طَهْمَانَ قَالَ: حَدَّثَنِي بُدَيْلٌ عَنِ الْحَسَنِ [ابْنِ مُسْلِمٍ]، عَنْ صَفِيَّةَ بِنْتِ شَيْبَةَ، عَنْ أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ ﷺ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْمُتَوَفَّى عَنْهَا زَوْجُهَا لَا تَلْبَسُ الْمُعَصْفَرَ مِنَ الثِّيَابِ وَلَا الْمُمَشَّقَةَ، وَلَا تَخْتَضِبُ وَلَا تَكْتَحِلُ».

3565. It was narrated from Ṣafiyyah bint Shaibah, from Umm Salamah, the wife of the Prophet ﷺ, that the Prophet ﷺ said: "The woman whose husband has died should not wear clothes that are dyed with safflower or red clay,[2] and she should not use dye nor *kohl*." (*Ḥasan*)

تخريج: [إسناده حسن] أخرجه أبو داود، الطلاق، باب: فيما تجتنبه المعتدة في عدتها، ح:٢٣٠٤ من حديث يحيى بن أبي بكير به، وهو في الكبرٰى، ح:٥٧٢٩، وصححه ابن حبان، ح:١٣٢٨، ورواه بعضهم موقوفًا وهذا لا يضر.

Comments:

The garment which is dyed after being woven is forbidden to wear, irrespective of whether it is dyed with any stuff or substance, or any color. The term *Mishq* means fairly red in color, with which they used to dye

[1] Two types of incense.

[2] *Mumashshaqah.*

garments. Nowadays, flower-patterned clothes are also dyed later. Hence, they are not permitted. Plain, colorless garments should be used in mourning.

Chapter 65. A Woman In Mourning Dyeing Her Hair

(المعجم ٦٥) - بَابُ الخِضَابِ لِلحَادَّةِ (التحفة ٦٥)

3566. It was narrated from Umm 'Aṭiyyah that the Prophet ﷺ said: "It is not permissible for a woman who believes in Allâh and the Last Day, to mourn for anyone who dies for more than three days, except for a husband; she should not use kohl, dye nor wear dyed clothes." (*Ṣaḥîḥ*)

٣٥٦٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنَا عَاصِمٌ عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحِدَّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثٍ، إِلَّا عَلَى زَوْجٍ، وَلَا تَكْتَحِلُ وَلَا تَخْتَضِبُ، وَلَا تَلْبَسُ ثَوْبًا مَصْبُوغًا».

تخريج: أخرجه البخاري، ح:٣١٣، ٥٣٤١، ٥٣٤٢، ٥٣٤٣، ومسلم، ح:٩٣٨ من حديث حفصة بنت سيرين به، وهو في الكبرٰى، ح:٥٧٣٠.

Chapter 66. Concession Allowing A Woman In Mourning To Comb Her Hair With Lote Leaves

(المعجم ٦٦) - بَابُ الرُّخْصَةِ لِلحَادَّةِ أَنْ تَمْتَشِطَ بِالسِّدْرِ (التحفة ٦٦)

3567. Umm Ḥakîm bint Asîd narrated from her mother that her husband died and she had a problem in her eye, so she applied *kohl* to clear her eyes. She sent a freed slave woman of hers to Umm Salamah to ask her about using *kohl* to clear her eyes. She said: "Do not use *kohl* unless it cannot be avoided. The Messenger of Allâh ﷺ entered upon me when Abû Salamah died and I had put some aloe juice on my eyes. He said: 'What is this, O Umm Salamah?' I said: 'It is aloe juice, O Messenger of Allâh, there is no perfume in it.' He said: 'It makes the face look bright, so only use it

٣٥٦٧ - أَخْبَرَنَا أَحْمَدُ بْنُ عَمْرِو بْنِ السَّرْحِ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنَا مَخْرَمَةُ عَنْ أَبِيهِ قَالَ: سَمِعْتُ الْمُغِيرَةَ بْنَ الضَّحَّاكِ يَقُولُ: حَدَّثَتْنِي أُمُّ حَكِيمٍ بِنْتُ أَسِيدٍ عَنْ أُمِّهَا: أَنَّ زَوْجَهَا تُوُفِّيَ وَكَانَتْ تَشْتَكِي عَيْنَهَا فَتَكْتَحِلُ الْجَلَاءَ، فَأَرْسَلَتْ مَوْلَاةً لَهَا إِلَى أُمِّ سَلَمَةَ فَسَأَلَتْهَا عَنْ كُحْلِ الْجَلَاءِ، فَقَالَتْ: لَا تَكْتَحِلُ إِلَّا مِنْ أَمْرٍ لَا بُدَّ مِنْهُ، دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ حِينَ تُوُفِّيَ أَبُو سَلَمَةَ وَقَدْ جَعَلْتُ عَلَى عَيْنِي صَبْرًا، فَقَالَ: «مَا هٰذَا يَا أُمَّ سَلَمَةَ؟» قُلْتُ: إِنَّمَا هُوَ صَبْرٌ يَا رَسُولَ اللهِ! لَيْسَ فِيهِ طِيبٌ، قَالَ: «إِنَّهُ يَشُبُّ

at night, and do not comb your hair with perfume or *henna*, for it is a dye.' I said: 'With what can I comb it, O Messenger of Allâh?' He said: 'With lote leaves – cover your head with them.'" (*Ḍa'îf*)

الْوَجْهَ فَلَا تَجْعَلِيهِ إِلَّا بِاللَّيْلِ، وَلَا تَمْتَشِطِي بِالطِّيبِ وَلَا بِالْحِنَّاءِ فَإِنَّهُ خِضَابٌ» قُلْتُ: بِأَيِّ شَيْءٍ أَمْتَشِطُ يَا رَسُولَ اللهِ؟ قَالَ: «بِالسِّدْرِ تُغَلِّفِينَ بِهِ رَأْسَكِ».

تخريج: [إسناده ضعيف] أخرجه أبو داود، الطلاق، باب: فيما تجتنبه المعتدة في عدتها، ح:٢٣٠٥ من حديث ابن وهب به، وهو في الكبرى، ح:٥٧٣١ * المغيرة مستور، وأم حكيم لا يعرف حالها.

Comments:

Anything that brings color, for instance, collyrium or *henna* or anything that beautifies the face and makes it glow, for instance, aloe or anything that emanates fragrance, scented soap, scent, etc., are forbidden to women during the mourning period. One could, however, take a bath and use unscented soap.

Chapter 67. Prohibition Of *Kohl* For A Woman In Mourning

(المعجم ٦٧) - النَّهْيُ عَنِ الْكُحْلِ لِلْحَادَّةِ (التحفة ٦٧)

3568. Zainab bint Abî Salamah narrated that her mother Umm Salamah said: "A woman from the Quraish came and said: 'O Messenger of Allâh, my daughter's eyes are inflamed; shall I apply kohl to her?' (The daughter's) husband had died so (the Prophet ﷺ) said: 'Not until four months and ten days (have passed).' Then she said: 'I fear for her sight.' He said: 'No, not until four months and ten days (have passed). During the *Jâhiliyyah* one of you would mourn for her husband for a year, then when one year had passed she would throw a piece of dung.'" (*Ṣaḥîḥ*)

٣٥٦٨ - أَخْبَرَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا شُعَيْبُ بْنُ اللَّيْثِ عَنْ أَبِيهِ [قَالَ:] حَدَّثَنَا أَيُّوبُ - وَهُوَ ابْنُ مُوسَى - قَالَ حُمَيْدٌ: وَحَدَّثَتْنِي زَيْنَبُ بِنْتُ أَبِي سَلَمَةَ عَنْ أُمِّهَا أُمِّ سَلَمَةَ قَالَتْ: جَاءَتِ امْرَأَةٌ مِنْ قُرَيْشٍ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ ابْنَتِي رَمِدَتْ أَفَأَكْحُلُهَا؟ وَكَانَتْ مُتَوَفًّى عَنْهَا زَوْجُهَا، فَقَالَ: «إِلَّا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا» ثُمَّ قَالَتْ: إِنِّي أَخَافُ عَلَى بَصَرِهَا، فَقَالَ: «لَا، إِلَّا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، قَدْ كَانَتْ إِحْدَاكُنَّ فِي الْجَاهِلِيَّةِ تُحِدُّ عَلَى زَوْجِهَا سَنَةً، ثُمَّ تَرْمِي عَلَى رَأْسِ السَّنَةِ بِالْبَعْرَةِ».

تخريج: [صحيح] تقدم، ح:٣٥٣١، وهو في الكبرى، ح:٥٧٣٢ .

3569. It was narrated from Zainab bint Abî Salamah, from her mother, that a woman came to the Prophet ﷺ and asked him about

٣٥٦٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ يَحْيَى بْنِ سَعِيدٍ،

عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، عَنْ أُمِّهَا: أَنَّ امْرَأَةً أَتَتِ النَّبِيَّ ﷺ فَسَأَلَتْهُ عَنِ ابْنَتِهَا مَاتَ زَوْجُهَا وَهِيَ تَشْتَكِي، قَالَ: «قَدْ كَانَتْ إِحْدَاكُنَّ تُحِدُّ السَّنَةَ ثُمَّ تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ، وَإِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا».

her daughter whose husband had died and she was ill. He said: "One of you used to mourn for a year, then throw a piece of dung when a year had passed. Rather it (the mourning period) is four months and ten days." (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح: ٣٥٣١، وهو في الكبرى، ح: ٥٧٣٣.

٣٥٧٠ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ مَعْدَانَ بْنِ عِيسَى بْنِ مَعْدَانَ قَالَ: حَدَّثَنَا ابْنُ أَعْيَنَ قَالَ: حَدَّثَنَا زُهَيْرُ بْنُ مُعَاوِيَةَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ حُمَيْدِ بْنِ نَافِعٍ مَوْلَى الْأَنْصَارِ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ: أَنَّ امْرَأَةً مِنْ قُرَيْشٍ جَاءَتْ إِلَى رَسُولِ اللهِ ﷺ فَقَالَتْ: إِنَّ ابْنَتِي تُوُفِّيَ عَنْهَا زَوْجُهَا وَقَدْ خِفْتُ عَلَى عَيْنِهَا وَهِيَ تُرِيدُ الْكُحْلَ، فَقَالَ: «قَدْ كَانَتْ إِحْدَاكُنَّ تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ، وَإِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا». فَقُلْتُ لِزَيْنَبَ: مَا رَأْسُ الْحَوْلِ؟ قَالَتْ: كَانَتِ الْمَرْأَةُ فِي الْجَاهِلِيَّةِ إِذَا هَلَكَ زَوْجُهَا عَمَدَتْ إِلَى شَرِّ بَيْتٍ لَهَا فَجَلَسَتْ فِيهِ، حَتَّى إِذَا مَرَّتْ بِهَا سَنَةٌ خَرَجَتْ فَرَمَتْ وَرَاءَهَا بِبَعْرَةٍ.

3570. It was narrated from Zainab bint Abî Salamah, from Umm Salamah that a woman from the Quraish came to the Messenger of Allâh ﷺ and said: "My daughter's husband has died, and I am worried about her eyes; she needs kohl." He said: "One of you used to throw a piece if dung after a year had passed. Rather it (the mourning period) is four months and ten days." I (the narrator) said to Zainab: "What does 'after a year had passed' mean?" She said: "During the *Jâhiliyyah*, if a woman died she would go to the worst room she had and stay there, then, when a year had passed, she would come out and throw a piece of dung behind her." (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح: ٣٥٣١، وهو في الكبرى، ح: ٥٧٣٤.

٣٥٧١ - **أَخْبَرَنَا** يَحْيَى بْنُ حَبِيبِ بْنِ عَرَبِيٍّ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ: أَنَّ

3571. It was narrated from Zainab that a woman asked Umm Salamah and Umm Ḥabîbah whether she could put on kohl during her

امْرَأَةٌ سَأَلَتْ أُمَّ سَلَمَةَ وَأُمَّ حَبِيبَةَ [أ]تَكْتَحِلُ فِي عِدَّتِهَا مِنْ وَفَاةِ زَوْجِهَا؟ فَقَالَتْ: أَتَتِ امْرَأَةٌ إِلَى النَّبِيِّ ﷺ فَسَأَلَتْهُ عَنْ ذٰلِكَ، فَقَالَ: «قَدْ كَانَتْ إِحْدَاكُنَّ فِي الْجَاهِلِيَّةِ إِذَا تُوُفِّيَ عَنْهَا زَوْجُهَا أَقَامَتْ سَنَةً، ثُمَّ قَذَفَتْ خَلْفَهَا بِبَعْرَةٍ ثُمَّ خَرَجَتْ، وَإِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا حَتَّى يَنْقَضِيَ الْأَجَلُ».

'Iddah following her husband's death. She said: "A woman came to the Prophet ﷺ and asked him about that, and he said: 'During the *Jâhiliyyah*, if her husband died, one of you would stay (in mourning) for a year, then she would throw a piece of dung then come out. Rather it (the mourning period) is four months and ten days, until the term prescribed is fulfilled.'" (***Saḥîḥ***)

تخريج: [صحيح] تقدم، ح: ٣٥٣١، وهو في الكبرٰى، ح: ٥٧٣٥.

(المعجم ٦٨) - الْقُسْطُ وَالْأَظْفَارُ لِلْحَادَّةِ (التحفة ٦٨)

Chapter 68. *Qusṭ* And *Aẓfâr*[1] For The Woman In Mourning

٣٥٧٢ - أَخْبَرَنَا الْعَبَّاسُ بْنُ مُحَمَّدٍ - هُوَ الدُّورِيُّ - قَالَ: حَدَّثَنَا الْأَسْوَدُ بْنُ عَامِرٍ عَنْ زَائِدَةَ، عَنْ هِشَامٍ، عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ، عَنِ النَّبِيِّ ﷺ: أَنَّهُ رَخَّصَ لِلْمُتَوَفَّى عَنْهَا عِنْدَ طُهْرِهَا فِي الْقُسْطِ وَالْأَظْفَارِ.

3572. It was narrated from Ḥafṣah, from Umm 'Aṭiyyah, from the Prophet ﷺ, that he granted a concession to the woman whose husband has died, allowing her to use *Qusṭ* and *Aẓfâr* when purifying herself following her menses. (***Saḥîḥ***)

تخريج: [إسناده صحيح] أخرجه الدارمي، ح: ٢٢٩١ من حديث زائدة به مطولاً، وهو في الكبرٰى، ح: ٥٧٣٦، وهو طرف من الحديث المتقدم: ٣٥٦٦، وأصله متفق عليه * هشام هو ابن حسان.

Comments:

Qûst and *Azfar* are the kinds of incense, which were used in that period of time. The ruling concerning other perfumes is also the same; the use of which is forbidden during the waiting period. Their use, however, at the end of menstruation is permitted. *Qûst* means costus (*'ûd*); a certain substance or perfume, Indian wood and also Arabian, with which one fumigates. *Azfâr* is a certain odoriferous substance called *unguis oderati*. It is black, resembling finger nails.

[1] Two types of incense.

Chapter 69. Abrogation Of Maintenance And Residence For The Widow, Which Are Replaced By The Share Of Inheritance That Is Allotted To Her

(المعجم ٦٩) - **بَابُ نَسْخِ مَتَاعِ الْمُتَوَفَّى عَنْهَا بِمَا فُرِضَ لَهَا مِنَ الْمِيرَاثِ** (التحفة ٦٩)

3573. It was narrated from Ibn 'Abbâs, with regard to Allâh's saying: "And those of you who die and leave behind wives should bequeath for their wives a year's maintenance and residence without turning them out."[1] This was abrogated by the Verse on inheritance, which allocated to her one-quarter or one-eighth. And the appointed time (*'Iddah*) of one year was abrogated and replaced with the (*'Iddah*) term of four months and ten days. (***Hasan***)

٣٥٧٣ - أَخْبَرَنَا زَكَرِيَّا بْنُ يَحْيَى السِّجْزِيُّ خَيَّاطُ السُّنَّةِ قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ الْحُسَيْنِ بْنِ وَاقِدٍ قَالَ: أَخْبَرَنَا أَبِي قَالَ: حَدَّثَنَا يَزِيدُ النَّحْوِيُّ عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ فِي قَوْلِهِ: «﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنكُمْ وَيَذَرُونَ أَزْوَاجًا وَصِيَّةً لِّأَزْوَاجِهِم مَّتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ﴾ [البقرة: ٢٤٠] نُسِخَ ذٰلِكَ بِآيَةِ الْمِيرَاثِ مِمَّا فُرِضَ لَهَا مِنَ الرُّبُعِ وَالثُّمُنِ، وَنَسَخَ أَجَلَ الْحَوْلِ أَنْ جُعِلَ أَجَلُهَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا.

تخريج: [إسناده حسن] أخرجه أبو داود، الطلاق، باب نسخ متاع المتوفى عنها زوجها بما فرض لها من الميراث، ح:٢٦٩٨ من حديث علي بن الحسين به، وهو في الكبرٰى، ح:٥٧٣٧ .

3574. It was narrated from 'Ikrimah with regard to the saying of Allâh, the Mighty and Sublime: "And those of you who die and leave behind wives should bequeath for their wives a year's maintenance and residence without turning them out,"[2] that he said: "This was abrogated by: 'And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten days.'"[3] (***Sahîh***)

٣٥٧٤ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ فِي قَوْلِهِ عَزَّ وَجَلَّ: ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنكُمْ وَيَذَرُونَ أَزْوَاجًا وَصِيَّةً لِّأَزْوَاجِهِم مَّتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ﴾ قَالَ: نَسَخَتْهَا ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ [البقرة: ٢٣٤].

[1] *Al-Baqarah* 2:240.
[2] *Al-Baqarah* 2:240.
[3] *Al-Baqarah* 2:234.

تخريج: [صحيح] وهو في الكبرى، ح: ٥٧٣٨، انظر الحديث السابق.

Chapter 70. Concession Allowing An Irrevocably-Divorced Woman To Leave Her House During Her *'Iddah*

(المعجم ٧٠) - الرُّخْصَةُ فِي خُرُوجِ الْمَبْتُوتَةِ مِنْ بَيْتِهَا فِي عِدَّتِهَا لِسُكْنَاهَا (التحفة ٧٠)

3575. 'Abdur-Raḥmân bin 'Âṣim narrated that Fâṭimah bint Qais – who was married to a man of Banu Makhzûm – told him that he divorced her three times. He went out on a military campaign and told his representative to give her some provision. She thought it was too little, so she went to one of the wives of the Prophet ﷺ, and the Messenger of Allâh ﷺ came in while she was with her. She said: "O Messenger of Allâh, this is Fâṭimah bint Qais who has been divorced by so-and-so. He sent her some provision but she rejected it. He said that it was something he did not have to do (a favor)." He said: "He is telling the truth." The Prophet ﷺ said: "Go to Umm Kulthûm and observe your *'Iddah* in her house." Then he said: "Umm Kulthûm is a woman who has a lot of visitors. Go to 'Abdullâh bin Umm Maktûm for he is blind." So she went to 'Abdullâh and observed her *'Iddah* in his house, until her *'Iddah* was over. Then Abû Al-Jahm and Mu'âwiyah bin Abî Sufyân proposed to her. So she came to the Messenger of Allâh ﷺ to consult him about them. He said: "As for Abû Al-Jahm, he is a man the waving of whose stick I fear for you. And as for Mu'âwiyah he is a man

٣٥٧٥ - أَخْبَرَنَا عَبْدُ الْحَمِيدِ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا مَخْلَدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ عَطَاءٍ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ عَاصِمٍ: أَنَّ فَاطِمَةَ بِنْتَ قَيْسٍ أَخْبَرَتْهُ وَكَانَتْ عِنْدَ رَجُلٍ مِنْ بَنِي مَخْزُومٍ أَنَّهُ طَلَّقَهَا ثَلَاثًا، وَخَرَجَ إِلَى بَعْضِ الْمَغَازِي وَأَمَرَ وَكِيلَهُ أَنْ يُعْطِيَهَا بَعْضَ النَّفَقَةِ فَتَقَالَّتْهَا، فَانْطَلَقَتْ إِلَى بَعْضِ نِسَاءِ النَّبِيِّ ﷺ فَدَخَلَ رَسُولُ اللهِ ﷺ وَهِيَ عِنْدَهَا فَقَالَتْ: يَا رَسُولَ اللهِ! هٰذِهِ فَاطِمَةُ بِنْتُ قَيْسٍ طَلَّقَهَا فُلَانٌ فَأَرْسَلَ إِلَيْهَا بِبَعْضِ النَّفَقَةِ فَرَدَّتْهَا، وَزَعَمَ أَنَّهُ شَيْءٌ تَطَوَّلَ بِهِ، قَالَ: «صَدَقَ». قَالَ النَّبِيُّ ﷺ: «فَانْتَقِلِي إِلَى أُمِّ كُلْثُومٍ فَاعْتَدِّي عِنْدَهَا» ثُمَّ قَالَ: «إِنَّ أُمَّ كُلْثُومٍ امْرَأَةٌ يَكْثُرُ عُوَّادُهَا، فَانْتَقِلِي إِلَى عَبْدِ اللهِ بْنِ أُمِّ مَكْتُومٍ فَإِنَّهُ أَعْمَى» فَانْتَقَلَتْ إِلَى عَبْدِ اللهِ فَاعْتَدَّتْ عِنْدَهُ حَتَّى انْقَضَتْ عِدَّتُهَا، ثُمَّ خَطَبَهَا أَبُو الْجَهْمِ وَمُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ، فَجَاءَتْ رَسُولَ اللهِ ﷺ تَسْتَأْمِرُهُ فِيهِمَا فَقَالَ: «أَمَّا أَبُو الْجَهْمِ فَرَجُلٌ أَخَافُ عَلَيْكِ قِسْقَاسَتَهُ لِلْعَصَا، وَأَمَّا مُعَاوِيَةُ فَرَجُلٌ أَمْلَقُ مِنَ الْمَالِ». فَتَزَوَّجَتْ أُسَامَةَ بْنَ زَيْدٍ بَعدَ ذٰلِكَ.

who does not have any money." So she married Usâmah bin Zaid after that. (*Ḥasan*)

تخريج: [حسن] إلا قوله: أم كلثوم، والصواب "أم شريك" كما تقدم، ح:٣٢٤٧، وأخرجه أحمد:٦/ ٤١٤ من حديث ابن جريج به، وهو صرح بالسماع، وهو في الكبرٰى، ح:٥٧٣٩ ❊ عبدالرحمٰن بن عاصم بن ثابت لم يوثقه غير ابن حبان، وللحديث شواهد.

Comments:

'Umm Salamah': This is not correct. In other reports, there is mention of Umm Sharik, and this is correct. (For the rest of the details, please turn to narration 3224, 3239, 3246, and 3247)

3576. It was narrated from Abû Salamah bin 'Abdur-Raḥmân that Fâṭimah bint Qais told him that she was married to Abû 'Amr bin Ḥafṣ bin Al-Mughîrah, who divorced her by giving her the last of three divorces. Fâṭimah said that she came to the Messenger of Allâh ﷺ and consulted him about leaving her house. He told her to move to the house of Ibn Umm Maktûm, the blind man. Marwân refused to believe Fâṭimah about the divorced woman leaving her house. 'Urwah said: "Âishah denounced Fâṭimah for that." (*Ṣaḥîḥ*)

٣٥٧٦ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا حُجَيْنُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ ابْنِ عَبْدِ الرَّحْمٰنِ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ: أَنَّهَا أَخْبَرَتْهُ أَنَّهَا كَانَتْ تَحْتَ أَبِي عَمْرِو بْنِ حَفْصِ بْنِ الْمُغِيرَةِ فَطَلَّقَهَا آخِرَ ثَلَاثِ تَطْلِيقَاتٍ، فَزَعَمَتْ فَاطِمَةُ أَنَّهَا جَاءَتْ رَسُولَ اللهِ ﷺ فَاسْتَفْتَتْهُ فِي خُرُوجِهَا مِنْ بَيْتِهَا، فَأَمَرَهَا أَنْ تَنْتَقِلَ إِلَى ابنِ أُمِّ مَكْتُومٍ الْأَعْمَى، فَأَبَى مَرْوَانُ أَنْ يُصَدِّقَ فَاطِمَةَ فِي خُرُوجِ الْمُطَلَّقَةِ مِنْ بَيْتِهَا. قَالَ عُرْوَةُ: أَنْكَرَتْ عَائِشَةُ ذٰلِكَ عَلَى فَاطِمَةَ.

تخريج: [صحيح] تقدم، ح:٣٢٤٦، وهو في الكبرٰى، ح:٥٧٤٠.

Comments:

(See the references of the previous *Ḥadîth*)

3577. Hishâm narrated from his father that Fâṭimah said: "I said: 'O Messenger of Allâh! My husband has divorced me three times and I am afraid that my house be broken into.' So he told her to move." (*Ṣaḥîḥ*)

٣٥٧٧ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا حَفْصٌ قَالَ: حَدَّثَنَا هِشَامٌ عَنْ أَبِيهِ عَنْ فَاطِمَةَ قَالَتْ: قُلْتُ: يَا رَسُولَ اللهِ! زَوْجِي طَلَّقَنِي ثَلَاثًا وَأَخَافُ أَنْ يُقْتَحَمَ عَلَيَّ، فَأَمَرَهَا فَتَحَوَّلَتْ.

تخريج: [صحيح] وهو في الكبرٰى، ح:٥٧٤١ .

Comments:

The house of the husband was farther from the habitation. The husband was not at home. The woman was young. So to speak, there were many dangers.

3578. It was narrated that Ash-Sha'bî said: "I came to Fâṭimah bint Qais and asked her about the ruling of the Messenger of Allâh ﷺ concerning her. She said that her husband divorced her irrevocably, and she referred her dispute with him, concerning accommodation and maintenance, to the Messenger of Allâh ﷺ. She said: 'He did not give me (the right to) accommodation and maintenance, and he told me to observe my *'Iddah* in the house of Ibn Umm Maktûm.'" (*Ṣaḥîḥ*)

٣٥٧٨ - أَخْبَرَنَا يَعْقُوبُ بْنُ مَاهَانَ - بَصْرِيٌّ - عَنْ هُشَيْمٍ قَالَ: حَدَّثَنَا سَيَّارٌ وَحُصَيْنٌ وَمُغِيرَةُ وَدَاوُدُ بْنُ أَبِي هِنْدٍ وَإِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ - وَذَكَرَ آخَرِينَ - عَنِ الشَّعْبِيِّ قَالَ: دَخَلْتُ عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ فَسَأَلْتُهَا عَنْ قَضَاءِ رَسُولِ اللهِ ﷺ عَلَيْهَا، فَقَالَتْ: طَلَّقَهَا زَوْجُهَا الْبَتَّةَ فَخَاصَمَتْهُ إِلَى رَسُولِ اللهِ ﷺ فِي السُّكْنَى وَالنَّفَقَةِ، قَالَتْ: فَلَمْ يَجْعَلْ لِي سُكْنَى وَلَا نَفَقَةً، وَأَمَرَنِي أَنْ أَعْتَدَّ فِي بَيْتِ ابْنِ أُمِّ مَكْتُومٍ.

تخريج: [صحيح] تقدم، ح: ٣٤٣٢، وهو في الكبرى، ح: ٥٧٤٢.

3579. It was narrated that Fâṭimah bint Qais said: "My husband divorced me and I wanted to move, so I went to the Messenger of Allâh ﷺ and he said: 'Move to the house of your paternal cousin 'Amr bin Umm Maktûm, and observe your *'Iddah* there.'" Al-Aswad hit him (Ash-Sha'bî) with a pebble and said: "Woe be to you! Why do you issue such a *Fatwa*? 'Umar said: 'If you bring two witnesses who will testify that they heard that from the Messenger of Allâh ﷺ (we will believe you), otherwise, we will not leave the Book of Allâh for the word of a woman.' 'And turn them not out of their (husband's) homes nor shall they (themselves) leave, except in case they are guilty of

٣٥٧٩ - أَخْبَرَنَا أَبُو بَكْرِ بْنُ إِسْحَاقَ الصَّاغَانِيُّ قَالَ: حَدَّثَنَا أَبُو الْجَوَّابِ قَالَ: حَدَّثَنَا عَمَّارٌ - وَهُوَ ابْنُ رُزَيْقٍ - عَنْ أَبِي إِسْحَاقَ، عَنِ الشَّعْبِيِّ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَتْ: طَلَّقَنِي زَوْجِي فَأَرَدْتُ النُّقْلَةَ، فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَقَالَ: «انْتَقِلِي إِلَى بَيْتِ ابْنِ عَمِّكِ عَمْرِو بْنِ أُمِّ مَكْتُومٍ فَاعْتَدِّي فِيهِ» فَحَصَبَهُ الْأَسْوَدُ وَقَالَ: وَيْلَكَ لِمَ تُفْتِي بِمِثْلِ هٰذَا؟ قَالَ عُمَرُ: إِنْ جِئْتِ بِشَاهِدَيْنِ يَشْهَدَانِ أَنَّهُمَا سَمِعَاهُ مِنْ رَسُولِ اللهِ ﷺ، وَإِلَّا لَمْ نَتْرُكْ كِتَابَ اللهِ لِقَوْلِ امْرَأَةٍ ﴿لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَن يَأْتِينَ بِفَاحِشَةٍ مُّبَيِّنَةٍ﴾ [الطلاق: ١].

some open *Fâhishah.*"'[1] (*Sahîh*)

تخريج: [صحيح] تقدم، ح: ٣٤٣٢، وهو في الكبرى، ح: ٥٧٤٣.

Comments:

1. It has previously been pointed out that numerous Companions of the Prophet ﷺ did not acknowledge the apparent result of this narration (that the lodging and maintenance of an irrevocably divorced woman are not incumbent upon the husband). They consider this incident as specific to Fatimah bint Qais, which means there must have been some distinct reason. (See the details in *Hadîth* 3224). Fatimah bint Qais used to say, in response to this Verse, that the description here pertains to those divorces in which 'returning' is possible. It transpires from "after that Allâh may well cause something new to come about." In the upcoming words "when an irrevocably divorced woman cannot be taken back," is asked what is the good in her residing in the (husband's) house? There are rather numerous perils in it.
2. 'Umar ﷺ did not consider it essential that for each *Hadîth*, two witnesses be produced, and only then it shall be accepted. On the contrary, he considered this narration contrary to what he was certain of. That is why he stated like this. Otherwise on numerous occasions, one man's narration has been acknowledged and acted upon. For instance, narrations concerning levying the protection tax from a Magian and about exiting a plague-stricken province.

Chapter 71. Widow Going Out During The Day

(المعجم ٧١) - بَابُ خُرُوجِ الْمُتَوَفَّى عَنْهَا بِالنَّهَارِ (التحفة ٧١)

3580. It was narrated from Jâbir that his maternal aunt was divorced, and she wanted to go out to some date palms of hers, but she met a man who told her not to do that. She went to the Messenger of Allâh ﷺ and he said: "Go out and take the harvest of your date palms, for perhaps you will give *Zakâh* or do some good (give voluntary charity)." (*Sahîh*)

٣٥٨٠ - أَخْبَرَنَا عَبْدُ الْحَمِيدِ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا مَخْلَدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، قَالَ: طُلِّقَتْ خَالَتُهُ فَأَرَادَتْ أَنْ تَخْرُجَ إِلَى نَخْلٍ لَهَا فَلَقِيَتْ، رَجُلًا فَنَهَاهَا، فَجَاءَتْ رَسُولَ اللهِ ﷺ فَقَالَ: «اخْرُجِي فَجُدِّي نَخْلَكِ، لَعَلَّكِ أَنْ تَصَدَّقِي وَتَفْعَلِي مَعْرُوفًا».

تخريج: أخرجه مسلم، الطلاق، باب جواز خروج المعتدة البائن والمتوفى عنها زوجها في النهار لحاجتها، ح: ١٤٨٣ من حديث ابن جريج به، وهو في الكبرى، ح: ٥٧٤٤.

Comments:

If necessary, a mourning woman may work at home, and on a farm. It is quite possible she might have no one to work on her behalf. And the Divine law

[1] *At-Talâq* 65:1.

takes into consideration people's needs and inabilities.

Chapter 72. Maintenance Of An Irrevocably-Divorced Woman

(المعجم ٧٢) - بَابُ نَفَقَةِ الْبَائِنَةِ (التحفة ٧٢)

3581. It was narrated that Abû Bakr bin Hafs[1] said: Abû Salamah and I entered upon Fâtimah bint Qais, who said: "My husband divorced me and he did not give me any accommodation or maintenance." She said: "He left with me ten measures (*Aqfizah*) (of food) with a cousin of his: Five of barley and five of dates. I went to the Messenger of Allâh ﷺ and told him about that. He said: 'He has spoken the truth.' And he told me to observe my *'Iddah* in the house of so-and-so." And her husband had divorced her irrevocably. (*Sahîh*)

٣٥٨١ - أَخْبَرَنَا أَحْمَدُ بْنُ عَبْدِ اللهِ بْنِ الْحَكَمِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بَكْرِ بْنِ حَفْصٍ قَالَ: دَخَلْتُ أَنَا وَأَبُو سَلَمَةَ عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ قَالَتْ: طَلَّقَنِي زَوْجِي فَلَمْ يَجْعَلْ لِي سُكْنَى وَلَا نَفَقَةً، قَالَتْ: فَوَضَعَ لِي عَشْرَةَ أَقْفِزَةٍ عِنْدَ ابْنِ عَمٍّ لَهُ: خَمْسَةٌ شَعِيرٌ وَخَمْسَةٌ تَمْرٌ، فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَقُلْتُ لَهُ ذٰلِكَ، فَقَالَ: «صَدَقَ» وَأَمَرَنِي أَنْ أَعْتَدَّ فِي بَيْتِ فُلَانٍ، وَكَانَ زَوْجُهَا طَلَّقَهَا طَلَاقًا بَائِنًا.

تخريج: [صحيح] تقدم، ح:٣٤٤٧، وهو في الكبرى، ح:٥٧٤٥.

Comments:

Aqfiz is plural of *Qafiz*. They say that an: *Qafiz* is equal to about four kilos.

Chapter 73. Maintenance Of A Pregnant Woman Who Has Been Irrevocably Divorced

(المعجم ٧٣) - نَفَقَةُ الْحَامِلِ الْمَبْتُوتَةِ (التحفة ٧٣)

3582. 'Ubaidullâh bin 'Abdullâh bin 'Utbah narrated that 'Abdullâh bin 'Amr bin 'Uthmân divorced the daughter of Sa'eed bin Zaid – whose mother was Hamnah bint Qais – irrevocably. Her maternal aunt Fâtimah bint Qais told her to move from the house of 'Abdullâh

٣٥٨٢ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدِ بْنِ كَثِيرِ بْنِ دِينَارٍ قَالَ: حَدَّثَنَا أَبِي عَنْ شُعَيْبٍ قَالَ: قَالَ الزُّهْرِيُّ: أَخْبَرَنِي عُبَيْدُ اللهِ ابْنُ عَبْدِ اللهِ بْنِ عُتْبَةَ: أَنَّ عَبْدَ اللهِ بْنَ عَمْرِو ابْنِ عُثْمَانَ طَلَّقَ ابْنَةَ سَعِيدِ بْنِ زَيْدٍ - وَأُمُّهَا حَمْنَةُ بِنْتُ قَيْسٍ - الْبَتَّةَ، فَأَمَرَتْهَا خَالَتُهَا

[1] This is considered an error by one of the copyists, what is correct is Abû Bakr bin Abî Al-Jahm, as found for this narration in *Al-Kubra*, and affirmed in *Tuhfat Al-Ashrâf* (12:469).' See No. 3447.

bin 'Amr. Marwân heard of that, so he sent a word to her, telling her to go back to her home until her *'Iddah* was over. She sent a word to him telling him that her maternal aunt Fâṭimah had issued a *Fatwa* to that effect, and she told her that the Messenger of Allâh ﷺ had issued a *Fatwa* to her, telling her to move when Abû 'Amr bin Ḥafṣ Al-Makhzûmî divorced her. Marwân sent Qabîṣah bin Dhu'aib to Fâṭimah to ask her about that. She said that she had been married to Abû 'Amr when the Messenger of Allâh ﷺ appointed 'Alî bin Abî Tâlib as governor of Yemen, and he went out with him, then he sent word to her divorcing her, and that was the final divorce for her. He told her to ask Al-Ḥârith bin Hishâm and 'Ayyâsh for her provisions that her husband had allocated for her. They said: "By Allâh, she is not entitled to any provision. So, she sent to Al-Hârith bin Hisham and 'Ayyâsh asking them for the provisions from us unless she is pregnant, and she has no right to live in our house unless we permit her." Fâṭimah said that she went to the Messenger of Allâh ﷺ and told him about that and he said that they had told the truth. She said: "I said: 'Where shall I move to, O Messenger of Allâh?' He said: 'Move to the house of Ibn Umm Maktûm' – who was the blind man, concerning whom Allâh rebuked him in His Book. I moved to his house, and I used to take off my outer garments. Then the

فَاطِمَةُ بِنْتُ قَيْسٍ بِالْانْتِقَالِ مِنْ بَيْتِ عَبْدِ اللهِ ابْنِ عَمْرٍو، وَسَمِعَ بِذٰلِكَ مَرْوَانُ فَأَرْسَلَ إِلَيْهَا فَأَمَرَهَا أَنْ تَرْجِعَ إِلَى مَسْكَنِهَا حَتَّى تَنْقَضِيَ عِدَّتُهَا، فَأَرْسَلَتْ إِلَيْهِ تُخْبِرُهُ: أَنَّ خَالَتَهَا فَاطِمَةَ أَفْتَتْهَا بِذٰلِكَ وَأَخْبَرَتْهَا أَنَّ رَسُولَ اللهِ ﷺ أَفْتَاهَا بِالْانْتِقَالِ حِينَ طَلَّقَهَا أَبُو عَمْرِو بْنُ حَفْصٍ الْمَخْزُومِيُّ، فَأَرْسَلَ مَرْوَانُ قَبِيصَةَ بْنَ ذُؤَيْبٍ إِلَى فَاطِمَةَ فَسَأَلَهَا عَنْ ذٰلِكَ، فَزَعَمَتْ أَنَّهَا كَانَتْ تَحْتَ أَبِي عَمْرٍو لَمَّا أَمَّرَ رَسُولُ اللهِ ﷺ عَلِيَّ بْنَ أَبِي طَالِبٍ عَلَى الْيَمَنِ خَرَجَ مَعَهُ، فَأَرْسَلَ إِلَيْهَا بِتَطْلِيقَةٍ وَهِيَ بَقِيَّةُ طَلَاقِهَا، فَأَمَرَ لَهَا الْحَارِثَ بْنَ هِشَامٍ وَعَيَّاشَ بْنَ أَبِي رَبِيعَةَ بِنَفَقَتِهَا، فَأَرْسَلَتْ إِلَى الْحَارِثِ وَعَيَّاشٍ تَسْأَلُهُمَا النَّفَقَةَ الَّتِي أَمَرَ لَهَا بِهَا زَوْجُهَا، فَقَالَا: وَاللّٰهِ! مَا لَهَا عَلَيْنَا نَفَقَةٌ إِلَّا أَنْ تَكُونَ حَامِلًا، وَمَا لَهَا أَنْ تَسْكُنَ فِي مَسْكَنِنَا إِلَّا بِإِذْنِنَا، فَزَعَمَتْ فَاطِمَةُ أَنَّهَا أَتَتْ رَسُولَ اللهِ ﷺ فَذَكَرَتْ ذٰلِكَ لَهُ فَصَدَّقَهُمَا، قَالَتْ: فَقُلْتُ: أَيْنَ أَنْتَقِلُ يَا رَسُولَ اللّٰهِ؟ فَقَالَ: «انْتَقِلِي عِنْدَ ابْنِ أُمِّ مَكْتُومٍ» - وَهُوَ الْأَعْمَى الَّذِي عَاتَبَهُ اللهُ عَزَّ وَجَلَّ فِي كِتَابِهِ - فَانْتَقَلْتُ عِنْدَهُ فَكُنْتُ أَضَعُ ثِيَابِي عِنْدَهُ، حَتَّى أَنْكَحَهَا رَسُولُ اللهِ ﷺ زَعَمَتْ: أُسَامَةَ بْنَ زَيْدٍ.

Messenger of Allâh ﷺ married her to Usâmah bin Zaid." (*Sahîh*)

تخريج: [صحيح] تقدم، ح:٣٢٢٤، وهو في الكبرى، ح:٥٧٤٦.

Chapter 74. Periods

(المعجم ٧٤) - الْأَقْرَاءُ (التحفة ٧٤)

3583. It was narrated from 'Amr bin Az-Zubair that Fâṭimah bint Abî Ḥubaish told him that she came to the Messenger of Allâh ﷺ and complained to him about (continual) bleeding. The Messenger of Allâh ﷺ said to her: "That is a vein. Look and when your period comes, do not pray, and when your period ends, then purify yourself and pray during the time between one period and the next." (*Hasan*)

٣٥٨٣ - أَخْبَرَنَا عَمْرُو بنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا اللَّيْثُ قَالَ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَبِيبٍ عَنْ بُكَيْرِ بْنِ عَبْدِ اللهِ بْنِ الْأَشَجِّ، عَنِ الْمُنْذِرِ بْنِ الْمُغِيرَةِ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ: أَنَّ فَاطِمَةَ بِنْتَ أَبِي حُبَيْشٍ حَدَّثَتْهُ أَنَّهَا أَتَتْ رَسُولَ اللهِ ﷺ فَشَكَتْ إِلَيْهِ الدَّمَ، فَقَالَ لَهَا رَسُولُ اللهِ ﷺ: «إِنَّمَا ذٰلِكِ عِرْقٌ فَانْظُرِي إِذَا أَتَاكِ قُرْؤُكِ فَلَا تُصَلِّي، فَإِذَا مَرَّ قُرْؤُكِ فَلْتَطْهُرِي» قَالَ: «ثُمَّ صَلِّي مَا بَيْنَ الْقُرْءِ إِلَى الْقُرْءِ».

تخريج: [حسن] أخرجه أبو داود، الطهارة، باب: في المرأة تستحاض ومن قال تدع الصلٰوة في عدة الأيام التى كانت تحيض، ح:٢٨٠ من حديث الليث بن سعد به، وهو في الكبرٰى، ح:٥٧٤٧، وله شواهد عند أبي داود، ح:٢٧٤، ٢٧٩، ٢٨١ وغيره.

Chapter 75. Abrogation Of The Permission To Take Back One's Wife After The Three Divorces

(المعجم ٧٥) - بَابُ نَسْخِ الْمُرَاجَعَةِ بَعْدَ التَّطْلِيقَاتِ الثَّلَاثِ (التحفة ٧٥)

3584. It was narrated from Ibn 'Abbâs, regarding Allâh's saying: "Whatever a Verse do We abrogate or cause to be forgotten, We bring a better one or similar to it."[1] and "And when We change a Verse in place of another — and Allâh knows

٣٥٨٤ - حَدَّثَنَا زَكَرِيَّا بْنُ يَحْيَى قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَلِيُّ ابْنُ الْحُسَيْنِ بْنِ وَاقِدٍ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنَا يَزِيدُ النَّحْوِيُّ عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ فِي قَوْلِهِ: ﴿مَا نَنسَخْ مِنْ ءَايَةٍ أَوْ نُنسِهَا

[1] *Al-Baqarah* 2:106.

best what He sends down" (*Al-Nahl* 16:101) and "Allâh blots out what He wills and confirms (what He wills). And with Him is the Mother of the Book."[1] The first thing that was abrogated in the Qur'ân was the *Qiblah*. And He said: "And divorced women shall wait (as regards their marriage) for three menstrual periods, and it is not lawful for them to conceal what Allâh has created in their wombs, if they believe in Allâh and the Last Day." "And their husbands have better right to take them back in that period, if they wish for reconciliation."[2] – that is because when a man divorced his wife, he had more right to take her back, even if he had divorced her three times. Then (Allâh) abrogated that and said: "The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness."[3] (*Ḥasan*)

نَأْتِ بِخَيْرٍ مِّنْهَآ أَوْ مِثْلِهَآ﴾ [البقرة: ١٠٦] وَقَالَ: ﴿وَإِذَا بَدَّلْنَآ ءَايَةً مَّكَانَ ءَايَةٍ وَٱللَّهُ أَعْلَمُ بِمَا يُنَزِّلُ﴾. الآيَةَ [النحل: ١٠١] وَقَالَ: ﴿يَمْحُواْ ٱللَّهُ مَا يَشَآءُ وَيُثْبِتُ وَعِندَهُۥٓ أُمُّ ٱلْكِتَٰبِ﴾ [الرعد: ٣٩] فَأَوَّلُ مَا نُسِخَ مِنَ الْقُرْآنِ الْقِبْلَةُ وَقَالَ: ﴿وَٱلْمُطَلَّقَٰتُ يَتَرَبَّصْنَ بِأَنفُسِهِنَّ ثَلَٰثَةَ قُرُوٓءٍ وَلَا يَحِلُّ لَهُنَّ أَن يَكْتُمْنَ مَا خَلَقَ ٱللَّهُ فِىٓ أَرْحَامِهِنَّ﴾ إِلَى قَوْلِهِ ﴿إِنْ أَرَادُوٓاْ إِصْلَٰحًا﴾ [البقرة: ٢٢٨] وَذٰلِكَ بِأَنَّ الرَّجُلَ كَانَ إِذَا طَلَّقَ امْرَأَتَهُ فَهُوَ أَحَقُّ بِرَجْعَتِهَا وَإِنْ طَلَّقَهَا ثَلَاثًا، فَنَسَخَ ذٰلِكَ وَقَالَ: ﴿ٱلطَّلَٰقُ مَرَّتَانِ فَإِمْسَاكٌۢ بِمَعْرُوفٍ أَوْ تَسْرِيحٌۢ بِإِحْسَٰنٍ﴾ [البقرة: ٢٢٩].

تخريج: [إسناده حسن] أخرجه أبو داود، الطلاق، باب نسخ المراجعة بعد التطليقات الثلاث، ح: ٢١٩٥ من حديث علي بن حسين به، وهو في الكبرٰى، ح: ٥٧٤٨.

Comments:

The return of a woman who is in her waiting period from an unfinalized, non-threefold divorce to the state of marriage is possible twice only. After the pronouncement of the third divorce, the woman becomes unlawful: neither returning (taking back) nor remarriage. This is an agreed upon issue.

Chapter 76. Taking The Wife Back

(المعجم ٧٦) - **بَابُ الرَّجْعَةِ** (التحفة ٧٦)

3585. Ibn 'Umar said: "I divorced my wife when she was menstruating. 'Umar went to the Prophet ﷺ and

٣٥٨٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ

[1] *Ar-Ra'd* 13:39.

[2] *Al-Baqarah* 2:228.

[3] *Al-Baqarah* 2:229. It should be noted that the same chain and text preceded (3529), although there are some differences in the wording.

قَالَ: سَمِعْتُ يُونُسَ بْنَ جُبَيْرٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ قَالَ: طَلَّقْتُ امْرَأَتِي وَهِيَ حَائِضٌ، فَأَتَى النَّبِيَّ ﷺ عُمَرُ فَذَكَرَ ذٰلِكَ لَهُ، فَقَالَ النَّبِيُّ ﷺ: «مُرْهُ أَنْ يُرَاجِعَهَا فَإِذَا طَهُرَتْ» - يَعْنِي - فَإِنْ شَاءَ فَلْيُطَلِّقْهَا، قُلْتُ لِابْنِ عُمَرَ: فَاحْتَسَبْتَ مِنْهَا؟ فَقَالَ: مَا يَمْنَعُهَا، أَرَأَيْتَ إِنْ عَجَزَ وَاسْتَحْمَقَ؟.

تخريج: [صحيح] تقدم، ح:٣٤٢٨، وهو في الكبرى، ح:٥٧٤٩.

told him about that. The Prophet ﷺ said: 'Tell him to take her back, then when she becomes pure, if he wants to, let him divorce her.'" I said to Ibn 'Umar: "Did that count as one divorce?" He said: "Why not? What do you think if some becomes helpless and behaves foolishly." (*Saḥîḥ*)

Comments:

'When she becomes pure': There is clarification in other narrations that when she is purified, and she again enters the period of menstruation, and she is again purified (after passing through the period of menses), and then if he so desires, he may keep her, and if he desires, can divorce her. And this intervening period of purity is meant for the act of returning or taking back. During the state of menstruation, only verbal returning or taking back is possible. (For details, see *Ḥadîth* 3418)

٣٥٨٦ - أَخْبَرَنَا بِشْرُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ عَنِ ابْنِ إِدْرِيسَ، عَنْ مُحَمَّدِ بنِ إِسْحَاقَ وَيَحْيَى بْنِ سَعِيدٍ وَعُبَيْدِ اللهِ ابْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ ح وَأَخْبَرَنَا زُهَيْرٌ عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالُوا: إِنَّ ابْنَ عُمَرَ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَذَكَرَ عُمَرُ رَضِيَ اللهُ عَنْهُ لِلنَّبِيِّ ﷺ، فَقَالَ: «مُرْهُ فَلْيُرَاجِعْهَا حَتَّى تَحِيضَ حَيْضَةً أُخْرَى، فَإِذَا طَهُرَتْ فَإِنْ شَاءَ طَلَّقَهَا وَإِنْ شَاءَ أَمْسَكَهَا، فَإِنَّهُ الطَّلَاقُ الَّذِي أَمَرَ اللهُ عَزَّ وَجَلَّ بِهِ، قَالَ تَعَالَى: ﴿فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ﴾ [الطلاق: ١].

3586. It was narrated from Ibn 'Umar that he divorced his wife when she was menstruating. 'Umar, may Allâh be pleased with him, mentioned that to the Prophet ﷺ and he said: "Tell him to take her back until she menstruates again, then when she becomes pure, if he wants he may divorce her and if he wants he may keep her. This is the divorce that Allâh has enjoined. Allâh, the Mighty and Sublime, says: 'The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness.'"[1] (*Saḥîḥ*)

[1] *Aṭ-Ṭalâq* 65:1.

تخريج: [إسناده صحيح] وهو متفق عليه كما تقدم، ح:٣٤١٨، وهو في الكبرى، ح:٥٧٥٠، ٥٧٥١.

٣٥٨٧ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ عَنْ أَيُّوبَ، عَنْ نَافِعٍ قَالَ: كَانَ ابْنُ عُمَرَ إِذَا سُئِلَ عَنِ الرَّجُلِ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَيَقُولُ: أَمَّا إِنْ طَلَّقَهَا وَاحِدَةً أَوْ ثِنْتَيْنِ فَإِنَّ رَسُولَ اللهِ ﷺ أَمَرَهُ أَنْ يُرَاجِعَهَا، ثُمَّ يُمْسِكَهَا حَتَّى تَحِيضَ حَيْضَةً أُخْرَى ثُمَّ تَطْهُرَ، ثُمَّ يُطَلِّقَهَا قَبْلَ أَنْ يَمَسَّهَا، وَأَمَّا إِنْ تُطَلِّقْهَا ثَلَاثًا فَقَدْ عَصَيْتَ اللهَ فِيمَا أَمَرَكَ بِهِ مِنْ طَلَاقِ امْرَأَتِكَ، وَبَانَتْ مِنْكَ امْرَأَتُكَ.

3587. When Ibn 'Umar was asked about a man who divorced his wife when she was menstruating, he would say: "If it is the first or second divorce, the Messenger of Allâh ﷺ would tell him to take her back and keep her until she has menstruated again and purified herself, then divorce her before having intercourse with her. But if it was three simultaneous divorces, then you have disobeyed Allâh with regard to the way in which divorce should be conducted and your wife has become irrevocably divorced." (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح:١٤٧١/٣ من حديث إسماعيل ابن علية به، وهو في الكبرى، ح:٥٧٥٢.

Comments:

'And you have disobeyed Allâh with regard to the divorce of your wife what He had commanded you' means by divorcing in the state of menstruation. But that divorce counts. When it is the third divorce, final separation between the couple would take place.

٣٥٨٨ - أَخْبَرَنَا يُوسُفُ بْنُ عِيسَى مَرْوَزِيٌّ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى قَالَ: حَدَّثَنَا حَنْظَلَةُ عَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ: أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَأَمَرَهُ رَسُولُ اللهِ ﷺ فَرَاجَعَهَا.

3588. It was narrated from Ibn 'Umar that he divorced his wife when she was menstruating, and the Messenger of Allâh ﷺ told him to take her back. (*Ṣaḥîḥ*)

تخريج: [إسناده صحيح] أخرجه أحمد: ٦١/٢ من حديث حنظلة بن أبي سفيان به، وهو في الكبرى، ح:٥٧٥٣.

٣٥٨٩ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِيهِ ابْنُ طَاوُسٍ عَنْ أَبِيهِ: أَنَّهُ سَمِعَ عَبْدَ اللهِ بْنَ عُمَرَ يُسْأَلُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ حَائِضًا،

3589. Ibn Ṭawûs narrated from his father that he heard 'Abdullâh bin 'Umar being asked about a man who divorced his wife when she was menstruating. He said: "Do you know 'Abdullâh bin 'Umar?"

فَقَالَ: أَتَعْرِفُ عَبْدَ اللهِ بْنَ عُمَرَ؟ قَالَ: نَعَمْ، قَالَ: فَإِنَّهُ طَلَّقَ امْرَأَتَهُ حَائِضًا، فَأَتَى عُمَرُ النَّبِيَّ ﷺ فَأَخْبَرَهُ الْخَبَرَ، فَأَمَرَهُ أَنْ يُرَاجِعَهَا حَتَّى تَطْهُرَ، وَلَمْ أَسْمَعْهُ يَزِيدُ عَلَى هٰذَا.

He said: "Yes." He said: "He divorced his wife when she was menstruating, and 'Umar went to the Prophet ﷺ and told him about that. He ordered him to take her back until she became pure," and I did not hear him adding anything to that. (*Saḥîḥ*)

تخريج: أخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح:١٤٧١/١٣ من حديث ابن جريج، وهو في الكبرٰى، ح:٥٧٥٤ .

٣٥٩٠ - أَخْبَرَنَا عَبْدَةُ بْنُ عَبْدِ اللهِ قَالَ: أَخْبَرَنَا يَحْيَى بْنُ آدَمَ؛ ح وَأَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سَهْلُ بْنُ مُحَمَّدٍ - أَبُو سَعِيدٍ - قَالَ: نُبِّئْتُ عَنْ يَحْيَى بْنِ زَكَرِيَّا، عَنْ صَالِحِ بْنِ صَالِحٍ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ، عَنْ عُمَرَ: أَنَّ النَّبِيَّ ﷺ، وَقَالَ عَمْرٌو: أَنَّ رَسُولَ اللهِ ﷺ كَانَ طَلَّقَ حَفْصَةَ ثُمَّ رَاجَعَهَا، وَاللَّهُ أَعْلَمُ.

3590. It was narrated from 'Umar that the Prophet ﷺ – 'Amr (one of the narrators) said: "The Messenger of Allâh ﷺ – had divorced Ḥafṣah, then he took her back." And Allâh knows best. (*Saḥîḥ*)

تخريج: [صحيح] أخرجه أبو داود، الطلاق، باب: في المراجعة، ح:٢٢٨٣ من حديث سهل بن محمد بن الزبير به، وصرح بالسماع عند أبي داود، فالعلة غير قادحة، وتابعه جماعة عن يحيى بن زكريا بن أبي زائدة به، والحديث في الكبرٰى، ح:٥٧٥٥.

28. The Book Of Horses, Races And Shooting

(المعجم ٢٨) - كِتَابُ الخَيْلِ وَالسَّبْقِ وَالرَّمْيِ (التحفة ١١)

Chapter 1. "Goodness Is Tied To The Forelocks Of Horses Until The Day Of Judgment"

(المعجم ١) - [بَابٌ: «الخَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الخَيْرُ إِلَى يَوْمِ القِيَامَةِ»] (التحفة ١)

3591. It was narrated that Salamah bin Nufail Al-Kindî said: "I was sitting with the Messenger of Allâh ﷺ when a man said: 'O Messenger of Allâh! The people have lost interest in horses and put down their weapons, and they say there is no *Jihâd*, and that war has ended.' The Messenger of Allâh ﷺ turned to face him and said: 'They are lying, now the fighting is to come. There will always be a group among my *Ummah* who will fight for the truth, for whom Allâh will cause some people to deviate, and grant them provision from them, until the Hour begins and until the promise of Allâh comes. Goodness is tied to the forelocks of horses until the Day of Resurrection. It has been revealed to me that I am going to die and will not stay long, and you will follow me group after group, striking one another's necks. And the place of safety for the believers is Ash-Shâm.'"[1] (*Sahîh*)

٣٥٩١ - أَخْبَرَنَا أَحْمَدُ بْنُ عَبْدِ الْوَاحِدِ قَالَ: حَدَّثَنَا مَرْوَانُ - وَهُوَ ابْنُ مُحَمَّدٍ - قَالَ: حَدَّثَنَا خَالِدُ بْنُ يَزِيدَ بْنِ صَالِحِ بْنِ صَبِيحٍ الْمُرِّيُّ قَالَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ أَبِي عَبْلَةَ عَنِ الْوَلِيدِ بْنِ عَبْدِ الرَّحْمٰنِ الْجُرَشِيِّ، عَنْ جُبَيْرِ بْنِ نُفَيْرٍ، عَنْ سَلَمَةَ بْنِ نُفَيْلٍ الْكِنْدِيِّ قَالَ: كُنْتُ جَالِسًا عِنْدَ رَسُولِ اللهِ ﷺ فَقَالَ رَجُلٌ: يَا رَسُولَ اللهِ! أَذَالَ النَّاسُ الْخَيْلَ وَوَضَعُوا السِّلَاحَ وَقَالُوا: لَا جِهَادَ، قَدْ وَضَعَتِ الْحَرْبُ أَوْزَارَهَا، فَأَقْبَلَ رَسُولُ اللهِ ﷺ بِوَجْهِهِ وَقَالَ: «كَذَبُوا الْآنَ الْآنَ جَاءَ الْقِتَالُ، وَلَا يَزَالُ مِنْ أُمَّتِي أُمَّةٌ يُقَاتِلُونَ عَلَى الْحَقِّ، وَيُزِيغُ اللهُ لَهُمْ قُلُوبَ أَقْوَامٍ وَيَرْزُقُهُمْ مِنْهُمْ حَتَّى تَقُومَ السَّاعَةُ، وَحَتَّى يَأْتِيَ وَعْدُ اللهِ، وَالْخَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ، وَهُوَ يُوحَى إِلَيَّ أَنِّي مَقْبُوضٌ غَيْرَ مُلَبَّثٍ، وَأَنْتُمْ تَتَّبِعُونِي أَفْنَادًا يَضْرِبُ بَعْضُكُمْ رِقَابَ بَعْضٍ، وَعُقْرُ دَارِ الْمُؤْمِنِينَ الشَّامُ».

[1] "Greater Mesopotamia."

تخريج: [إسناده صحيح] أخرجه الطبراني: ٧/ ٥٢، ح: ٦٣٥٧ من حديث إبراهيم بن أبي عبلة به مختصرًا، وهو في الكبرى، ح: ٤٤٠١، وللحديث طرق أخرى.

Comments:

1. 'The war has ended' signifies that now the Arabian Peninsula has been purified of polytheism; and the House of Allâh has come into their possession.
2. Fighting is to come: After the conquest, and the death of the Messenger ﷺ the fighting will increase.
3. '*Khair*': recompense, spoils, etc.
4. 'Ash-Sham': It transpires from some traditional reports that close to the Day of Judgment, Ash-Sham would be the place of victory for the believers.

3592. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'There is goodness tied to the forelocks of horses until the Day of Resurrection. And horses are of three types: Those that bring reward to a man, those that are a means of protection for a man, and those that are a burden *(of sin)* for a man. As for those that bring reward, they are kept for the cause of Allâh and for *Jihâd*. No fodder enters their stomach but for everything that enters their stomachs, reward is written for him, even if he puts them out to pasture.''' And he quoted the *Hadîth*. (*Sahîh*)

٣٥٩٢ - أَخْبَرَنَا عَمْرُو بْنُ يَحْيَى بْنِ الْحَارِثِ قَالَ: حَدَّثَنَا مَحْبُوبُ بْنُ مُوسَى قَالَ: حَدَّثَنَا أَبُو إِسْحَاقَ - يَعْنِي الْفَزَارِيَّ - عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْخَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ. الْخَيْلُ ثَلَاثَةٌ: فَهِيَ لِرَجُلٍ أَجْرٌ، وَهِيَ لِرَجُلٍ سِتْرٌ، وَهِيَ عَلَى رَجُلٍ وِزْرٌ، فَأَمَّا الَّذِي [هِيَ] لَهُ أَجْرٌ فَالَّذِي يَحْتَبِسُهَا فِي سَبِيلِ اللهِ فَيَتَّخِذُهَا لَهُ، وَلَا تُغَيِّبُ فِي بُطُونِهَا شَيْئًا إِلَّا كُتِبَ لَهُ بِكُلِّ شَيْءٍ غَيَّبَتْ فِي بُطُونِهَا أَجْرٌ، وَلَوْ عَرَضَتْ لَهُ مَرْجٌ». وَسَاقَ الْحَدِيثَ.

تخريج: [إسناده صحيح] أخرجه الترمذي، فضائل الجهاد، باب ماجاء من ارتبط فرسًا في سبيل الله، ح: ١٦٣٦ من حديث سهيل به، وقال: "حسن صحيح"، وهو في الكبرى، ح: ٤٤٠٢.

3593. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Horses may bring reward to a man, or they may be a means of protection, or they may be a burden (of sin). As for that which brings reward, it is a man who keeps it for the cause of Allâh and ties it

٣٥٩٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ - قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لَهُ - عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِي صَالِحٍ السَّمَّانِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ

with a long rope in a pasture or a garden; whatever it eats or drinks in that pasture or garden will count as good deeds for him. If it breaks its rope and jumps over one or two hills, its footsteps" – and according to the *Ḥadîth* of Al-Ḥârith, "its dung will count as good deeds for him. If it passes by a river and drinks from it, even though (its owner) did not intend to give it water from that river, that will also bring him reward. If a man keeps a horse in order to earn an independent living and avoid asking others for help, and he does not forget his duty toward Allâh with regard to their (the horses') necks and backs, then they will be a means of protection for him. If a man keeps horses out of pride, to show off before others and to fight the Muslims, then that will be a burden (of sin) for him." The Prophet ﷺ was asked about donkeys and he said: "Nothing has been revealed to me concerning them except this Verse which is comprehensive in meaning: 'So whosoever does good equal to the weight of an atom (or a small ant) shall see it. And whosoever does evil equal to the weight of an atom (or a small ant) shall see it'"[1] (*Ṣaḥîḥ*)

اللهِ ﷺ قَالَ: «الْخَيْلُ لِرَجُلٍ أَجْرٌ، وَلِرَجُلٍ سَتْرٌ، وَعَلَى رَجُلٍ وِزْرٌ، فَأَمَّا الَّذِي هِيَ لَهُ أَجْرٌ فَرَجُلٌ رَبَطَهَا فِي سَبِيلِ اللهِ، فَأَطَالَ لَهَا فِي مَرْجٍ أَوْ رَوْضَةٍ، فَمَا أَصَابَتْ فِي طِيَلِهَا ذٰلِكَ فِي الْمَرْجِ أَوِ الرَّوْضَةِ كَانَ لَهُ حَسَنَاتٌ، وَلَوْ أَنَّهَا قَطَعَتْ طِيَلَهَا ذٰلِكَ فَاسْتَنَّتْ شَرَفًا أَوْ شَرَفَيْنِ كَانَتْ آثَارُهَا» وَفِي حَدِيثِ الْحَارِثِ: «وَأَرْوَاثُهَا حَسَنَاتٍ لَهُ، وَلَوْ أَنَّهَا مَرَّتْ بِنَهَرٍ فَشَرِبَتْ مِنْهُ وَلَمْ يُرِدْ أَنْ تُسْقَى كَانَ ذٰلِكَ حَسَنَاتٍ، فَهِيَ لَهُ أَجْرٌ، وَرَجُلٌ رَبَطَهَا تَغَنِّيًا وَتَعَفُّفًا وَلَمْ يَنْسَ حَقَّ اللهِ عَزَّ وَجَلَّ فِي رِقَابِهَا وَلَا ظُهُورِهَا، فَهِيَ لِذٰلِكَ سِتْرٌ؛ وَرَجُلٌ رَبَطَهَا فَخْرًا وَرِيَاءً وَنِوَاءً لأَهْلِ الْإِسْلَامِ فَهِيَ عَلَى ذٰلِكَ وِزْرٌ» وَسُئِلَ النَّبِيُّ ﷺ عَنِ الحَمِيرِ فَقَالَ: «لَمْ يَنْزِلْ عَلَيَّ فِيهَا شَيْءٌ إِلَّا هٰذِهِ الْآيَةُ الْجَامِعَةُ الْفَاذَّةُ ﴿فَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُۥ ۝ وَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُۥ﴾ [الزلزلة:٧، ٨]

تخريج: أخرجه البخاري، المساقاة، باب شرب الناس وسقي الدواب من الأنهار، ح:٢٣٧١ من حديث مالك، ومسلم، الزكوة، باب إثم مانع الزكوة، ح:٩٨٧/٢٤ من حديث زيد به، وهو في الكبرٰى، ح:٤٤٠٣ .

[1] *Az-Zalzalah* 99:7-8.

Chapter 2. Love Of Horses

(المعجم ٢) - **بَابُ حُبِّ الخَيْلِ** (التحفة ٢)

3594. It was narrated that Anas said: "There was nothing dearer to the Messenger of Allâh ﷺ after women than horses." (*Ḍa'îf*)

٣٥٩٤ - أَخْبَرَنَا أَحْمَدُ بْنُ حَفْصٍ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ طَهْمَانَ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ قَالَ: لَمْ يَكُنْ شَيْءٌ أَحَبَّ إِلَى رَسُولِ اللهِ ﷺ بَعْدَ النِّسَاءِ مِنَ الْخَيْلِ.

تخريج: [إسناده ضعيف] وهو في الكبرى، ح:٤٤٠٤ * سعيد بن أبي عروبة تقدم، ح:١٠٨٦، وقتادة تقدم، ح:٣٤ عنعنا.

Chapter 3. Desirable Physical Qualities In Horses

(المعجم ٣) - **مَا يُسْتَحَبُّ مِنْ شِيَةِ الخَيْلِ** (التحفة ٣)

3595. It was narrated that Abû Wahb, who was a Companion of the Prophet ﷺ, said: "The Messenger of Allâh ﷺ said: 'Call (your children) by the names of the prophets. And the most beloved names to Allâh, the Mighty and Sublime, are 'Abdullâh and 'Abdur-Raḥmân. Keep horses; wipe their forelocks and posteriors, and prepare them for *Jihâd*, but do not prepare them to seek vengeance for people killed during the *Jâhiliyyah*.[1] You should seek out *Kumait*,[2] horses with a white mark on the face and white feet, or red with a white mark on the face and white feet, or black with a white mark on the face and white feet.'" (*Ḍa'îf*)

٣٥٩٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا أَبُو أَحْمَدَ الْبَزَّازُ هِشَامُ بْنُ سَعِيدٍ الطَّالَقَانِيُّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُهَاجِرٍ الْأَنْصَارِيُّ عَنْ عَقِيلِ بْنِ شَبِيبٍ، عَنْ أَبِي وَهْبٍ - وَكَانَتْ لَهُ صُحْبَةٌ - قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «تَسَمَّوْا بِأَسْمَاءِ الْأَنْبِيَاءِ، وَأَحَبُّ الأَسْمَاءِ إِلَى اللهِ عَزَّ وَجَلَّ عَبْدُ اللهِ وَعَبْدُ الرَّحْمٰنِ، وَارْتَبِطُوا الْخَيْلَ وَامْسَحُوا بِنَوَاصِيهَا وَأَكْفَالِهَا وَقَلِّدُوهَا، وَلَا تُقَلِّدُوهَا الْأَوْتَارَ، وَعَلَيْكُمْ بِكُلِّ كُمَيْتٍ أَغَرَّ مُحَجَّلٍ أَوْ أَشْقَرَ أَغَرَّ مُحَجَّلٍ أَوْ أَدْهَمَ أَغَرَّ مُحَجَّلٍ».

تخريج: [إسناده ضعيف] أخرجه أبو داود، الجهاد، باب: فيما يستحب من ألوان الخيل،

[1] This is the interpretation of Ibn Al-Athîr in *An-Nihâyah*. Alternavitvely it is: "And garland them, but not with bowstrings." Because they used to put bowstrings around the horses neck to ward off the evil eye, and this has been prohibited in other narrations.

[2] Chestnut colored, a color between black and red.

ح:٢٥٤٣ من حديث هشام بن سعيد به، وهو في الكبرى، ح:٤٤٠٦ * عقيل مجهول، ولبعض الحديث شواهد.

Comments:

1. A name also exerts a strong influence upon human personality. Good names should, therefore, be given.
2. 'Wipe their forelocks': Another meaning could be: Keep them clean and tidy; take care of them.

Chapter 4. *Shikâl*[1] Horses

(المعجم ٤) - الشِّكَالُ فِي الخَيْلِ (التحفة ٤)

3596. It was narrated that Abû Hurairah said: The Prophet ﷺ used to dislike the *Shikâl* among horses. And the wording is that of Ismâ'îl.[2] (*Sahîh*)

٣٥٩٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ؛ ح وَأَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا بِشْرٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ اللهِ بْنِ يَزِيدَ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ النَّبِيُّ ﷺ يَكْرَهُ الشِّكَالَ مِنَ الْخَيْلِ. وَاللَّفْظُ لِإِسْمَاعِيلَ.

تخريج: أخرجه مسلم، الإمارة، باب ما يكره من صفات الخيل، ح:١٨٧٥/١٠٢ من حديث محمد بن جعفر به، وهو في الكبرى، ح:٤٤٠٧.

3597. It was narrated from Abû Hurairah that the Prophet ﷺ used to dislike the *Shikâl* among horses. (*Sahîh*)

Abû 'Abdur-Rahmân (An-Nasâ'î) said: The *Shikâl* among horses is when three of its feet have white markings and one of them does not, or three of them are not and one of them has white markings. And *Ash-Shikâl* (hobbled) is not used except in the case of feet, not hands.

٣٥٩٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنِي سَلْمُ بْنُ عَبْدِ الرَّحْمٰنِ عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ: أَنَّهُ كَرِهَ الشِّكَالَ مِنَ الْخَيْلِ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: الشِّكَالُ مِنَ الْخَيْلِ أَنْ تَكُونَ ثَلَاثُ قَوَائِمَ مُحَجَّلَةً وَوَاحِدَةٌ مُطْلَقَةً، أَوْ تَكُونَ الثَّلَاثَةُ مُطْلَقَةً وَرِجْلٌ مُحَجَّلَةً، وَلَيْسَ يَكُونُ الشِّكَالُ إِلَّا فِي رِجْلٍ

[1] See the author's explanation after the two narrations, and *Shikâl* also refers to the animal that was "hobbled."

[2] That is, one of the two from whom Imâm An-Nasâi heard the narration.

وَلَا يَكُونُ فِي الْيَدِ.

تخريج: أخرجه مسلم، ح:١٨٧٥/ ١٠٢ عن محمد بن بشار به، انظر الحديث السابق، وهو في الكبرٰى، ح:٤٤٠٨.

Chapter 5. Seeing Horses As An Omen

(المعجم ٥) - **بَابُ شُؤْمِ الْخَيْلِ** (التحفة ٥)

3598. It was narrated from Sâlim, from his father, that the Prophet ﷺ said: "Omens are only in three things: A woman, a horse or a house." (*Ṣaḥîḥ*)

٣٥٩٨ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَمُحَمَّدُ ابْنُ مَنْصُورٍ وَاللَّفْظُ لَهُ قَالَا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ ﷺ قَالَ: «الشُّؤْمُ فِي ثَلَاثَةٍ: الْمَرْأَةِ وَالْفَرَسِ وَالدَّارِ».

تخريج: أخرجه مسلم، السلام، باب الطيرة والفأل وما يكون فيه الشؤم، ح:٢٢٢٥/ ١١٦ من حديث سفيان بن عيينة، والبخاري، الجهاد والسير، باب ما يذكر من شؤم الفرس، ح:٢٨٥٨ من حديث الزهري به، وهو في الكبرٰى، ح:٤٤٠٩ .

Comments:

Meaning, if a man sees something bad in any of these, he will never rest and always be suspicious of harm from them.

3599. It was narrated from 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ said: "Omens are in houses, women and horses." (*Ṣaḥîḥ*)

٣٥٩٩ - أَخْبَرَنِي هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مَعْنٌ قَالَ: حَدَّثَنَا مَالِكٌ؛ ح وَالْحَارِثُ بْنُ مِسْكِينٍ - قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ وَاللَّفْظُ لَهُ - عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنَا مَالِكٌ عَنِ ابْنِ شِهَابٍ، عَنْ حَمْزَةَ وَسَالِمٍ ابْنَيْ عَبْدِ اللهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللهِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الشُّؤْمُ فِي الدَّارِ وَالْمَرْأَةِ وَالْفَرَسِ».

تخريج: أخرجه البخاري، النكاح، باب ما يتقى من شؤم المرأة ... إلخ، ح:٥٠٩٣، ومسلم، ح:٢٢٢٥ (انظر الحديث السابق) من حديث مالك به، وهو في الموطأ (يحيى):٢/ ٩٧٢، والكبرٰى، ح:٤٤١٠، ٤٤١١ .

3600. It was narrated from Jâbir that the Messenger of Allâh ﷺ said: "If there are (omens) in

٣٦٠٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ

anything, they are in houses, women and horses." (*Ṣaḥîḥ*)

أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «إِنْ يَكُ فِي شَيْءٍ فَفِي الرَّبْعَةِ وَالْمَرْأَةِ وَالْفَرَسِ».

تخريج: أخرجه مسلم، السلام، باب الطيرة والفأل وما يكون فيه الشؤم، ح:٢٢٢٧ من حديث ابن جريج به، وهو في الكبرٰى، ح:٤٤١٢.

Chapter 6. The Blessing Of Horses

(المعجم ٦) - **بَابُ بَرَكَةِ الخَيْلِ**
(التحفة ٦)

3601. It was narrated that Anas bin Mâlik said: "The Messenger of Allâh ﷺ said: 'Blessing is in the forelocks of horses.'" (*Ṣaḥîḥ*)

٣٦٠١ - **أَخْبَرَنَا** إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا النَّضْرُ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي التَّيَّاحِ قَالَ: سَمِعْتُ أَنَسًا؛ **ح** قال: وَأَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: حَدَّثَنِي أَبُو التَّيَّاحِ عَنْ أَنَسِ ابْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْبَرَكَةُ فِي نَوَاصِي الْخَيْلِ».

تخريج: أخرجه مسلم، الإمارة، باب الخيل في نواصيها الخير إلٰى يوم القيامة، ح:١٨٧٤ عن محمد بن بشار، والبخاري، الجهاد والسير، باب: الخيل معقود في نواصيها الخير إلٰى يوم القيامة، ح:٢٨٥١ من حديث يحيى بن سعيد القطان به، وهو في الكبرٰى، ح:٤٤١٣.

Comments:

See *Ḥadîth* 3591.

Chapter 7. Twisting The Forelocks Of Horses

(المعجم ٧) - **بَابُ فَتْلِ نَاصِيَةِ الفَرَسِ**
(التحفة ٧)

3602. It was narrated that Jarîr said: "I saw the Messenger of Allâh ﷺ twisting the forelock of a horse with his two fingers, and saying: 'Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war.'" (*Ṣaḥîḥ*)

٣٦٠٢ - **أَخْبَرَنَا** عِمْرَانُ بْنُ مُوسَى قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ قَالَ: حَدَّثَنَا يُونُسُ عَنْ عَمْرِو بْنِ سَعِيدٍ، عَنْ أَبِي زُرْعَةَ بْنِ عَمْرِو بْنِ جَرِيرٍ، عَنْ جَرِيرٍ قَالَ: رَأَيْتُ رَسُولَ اللهِ ﷺ يَفْتِلُ نَاصِيَةَ فَرَسٍ بَيْنَ أُصْبُعَيْهِ وَيَقُولُ: «الْخَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ: الأَجْرُ وَالْغَنِيمَةُ».

تخريج: أخرجه مسلم، ح:١٨٧٢/ ٩٧، انظر الحديث السابق من حديث يونس بن عبيد به، وهو في الكبرٰى، ح:٤٤١٤.

Comments:

1. The Prophet's ﷺ plaiting the horse's forelock with his own blessed hands was due to his love of horses.
2. 'Till the Day of Resurrection': From this it inevitably yields that the *Jihâd* would continue until the Day of Resurrection; and it should be continued, irrespective of whether the ruler is good or bad.

3603. It was narrated from Ibn 'Umar that the Prophet ﷺ said: "There is goodness in the forelocks of horses until the Day of Resurrection." (*Sahîh*)

٣٦٠٣ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «الْخَيْلُ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ».

تخريج: أخرجه مسلم، ح:١٨٧١ عن قتيبة به (انظر الحديث السابق)، وهو في الكبرٰى، ح:٤٤١٥.

3604. It was narrated that 'Urwah Al-Bâriqî said: "The Messenger of Allâh ﷺ said: 'Goodness is tied to the forelocks of horses until the Day of Resurrection.'" (*Sahîh*)

٣٦٠٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ أَبُو كُرَيْبٍ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ حُصَيْنٍ، عَنْ عَامِرٍ، عَنْ عُرْوَةَ الْبَارِقِيِّ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْخَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ».

تخريج: أخرجه مسلم، ح:١٨٧٣/ ٩٨ (انظر الحديث السابق) من حديث عبدالله بن إدريس، والبخاري، الجهاد والسير، باب: الخيل معقود في نواصيها الخير إلى يوم القيامة، ح:٢٨٥٠ من حديث حصين به، وهو في الكبرٰى، ح:٤٤١٦.

3605. It was narrated from 'Urwah bin Abî Al-Ja'd that he heard the Prophet ﷺ say: "Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war." (*Sahîh*)

٣٦٠٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى وَمُحَمَّدُ ابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ شُعْبَةَ عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ، عَنْ عُرْوَةَ ابْنِ أَبِي الْجَعْدِ أَنَّهُ سَمِعَ النَّبِيَّ ﷺ يَقُولُ: «الْخَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ: الأَجْرُ وَالْمَغْنَمُ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٤٤١٧.

3606. It was narrated that 'Urwah said that he heard the Messenger of Allâh ﷺ say: "Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war." (***Ṣaḥîḥ***)

٣٦٠٦ - أَخْبَرَنَا عَمْرُو بنُ عَلِيٍّ قَالَ: حدثنا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: أَخْبَرَنَا شُعْبَةُ عَنْ عَبْدِ اللهِ بْنِ أَبِي السَّفَرِ، عَنِ الشَّعْبِيِّ، عَنْ عُرْوَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «الْخَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ: الأَجْرُ وَالْمَغْنَمُ».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٤٤١٨.

3607. It was narrated from 'Urwah bin Abî Al-Ja'd that the Prophet ﷺ said: "Goodness is tied to the forelocks of horses until the Day of Resurrection: Reward and spoils of war." (***Ṣaḥîḥ***)

٣٦٠٧ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: أَخْبَرَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي حُصَيْنٌ وَعَبْدُ اللهِ بْنُ أَبِي السَّفَرِ أَنَّهُمَا سَمِعَا الشَّعْبِيَّ يُحَدِّثُ عَنْ عُرْوَةَ بْنِ أَبِي الْجَعْدِ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْخَيْلُ مَعْقُودٌ فِي نَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيَامَةِ: الأَجْرُ وَالْمَغْنَمُ».

تخريج: [صحيح] تقدم، ح:٣٦٠٤، وهو في الكبرٰى، ح:٤٤١٩.

Chapter 8. A Man Training His Horse

(المعجم ٨) - تَأْدِيبُ الرَّجُلِ فَرَسَهُ

(التحفة ٨)

3608. It was narrated that Khâlid bin Yazîd Al-Juhanî said: "Uqbah bin 'Âmir used to pass by me and say: 'O Khâlid, let us go out and shoot arrows.' One day I came late and he said: 'O Khâlid, come and I will tell you what the Messenger of Allâh ﷺ said.' So I went to him and he said: 'The Messenger of Allâh ﷺ said: Allâh will admit three people to Paradise because of one arrow: The one who makes it seeking good thereby, the one who shoots it and the one who

٣٦٠٨ - أَخْبَرَنَا الْحَسَنُ بْنُ إِسْمَاعِيلَ بْنِ مُجَالِدٍ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ عَنْ عَبْدِ الرَّحْمٰنِ بْنِ يَزِيدَ بْنِ جَابِرٍ قَالَ: حَدَّثَنِي أَبُو سَلَّامٍ الدِّمَشْقِيُّ عَنْ خَالِدِ بْنِ يَزِيدَ الْجُهَنِيِّ قَالَ: كَانَ عُقْبَةُ بْنُ عَامِرٍ يَمُرُّ بِي فَيَقُولُ: يَا خَالِدُ! اخْرُجْ بِنَا نَرْمِي، فَلَمَّا كَانَ ذَاتَ يَوْمٍ أَبْطَأْتُ عَنْهُ فَقَالَ: يَا خَالِدُ! تَعَالَ أُخْبِرْكَ بِمَا قَالَ رَسُولُ اللهِ ﷺ، فَأَتَيْتُهُ فَقَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ اللهَ يُدْخِلُ بِالسَّهْمِ الْوَاحِدِ ثَلَاثَةَ

نَفَرِ الْجَنَّةَ: صَانِعَهُ يَحْتَسِبُ فِي صُنْعَتِهِ الْخَيْرَ، وَالرَّامِيَ بِهِ، وَمُنَبِّلَهُ، وَارْمُوا وَارْكَبُوا، وَأَنْ تَرْمُوا أَحَبُّ إِلَيَّ مِنْ أَنْ تَرْكَبُوا، وَلَيْسَ اللَّهْوُ إِلَّا فِي ثَلَاثَةٍ: تَأْدِيبِ الرَّجُلِ فَرَسَهُ، وَمُلَاعَبَتِهِ امْرَأَتَهُ، وَرَمْيِهِ بِقَوْسِهِ وَنَبْلِهِ، وَمَنْ تَرَكَ الرَّمْيَ بَعْدَ مَا عَلِمَهُ رَغْبَةً عَنْهُ فَإِنَّهَا نِعْمَةٌ كَفَرَهَا - أَوْ قَالَ -: كَفَرَ بِهَا».

hands it to him. So shoot and ride, and if you shoot that is dearer to me than if you ride. And play is only in three things: A man training his horse, and playing with his wife, and shooting with his bow and arrow. Whoever gives up shooting after learning it because he is no longer interested in it, that is a blessing for which he is ungrateful – or that he has rejected.'" (*Hasan*)

تخريج: [إسناده حسن] أخرجه أبو داود، الجهاد، باب: في الرمي، ح:٢٥١٣ من حديث عبدالرحمٰن به، وهو في الكبرٰى، ح:٤٤٢٠، وصححه الحاكم:٢/ ٩٥، ووافقه الذهبي * خالد بن يزيد حسن الحديث كما حققته في تسهيل الحاجة، ح:٢٨١١ .

Comments:

1. 'That is dearer to me' because if someone does not know the skill of archery, horse riding would not be of any benefit; whereas archery is beneficial by itself.
2. 'Play' means one attains reward through them, because one gets the pleasure of Allâh on account of them. On the other hand, other sports provide only physical recreation, which do not serve any useful purpose.
3. 'For which he is ungrateful': If one, however, abandons it on account of one's other preoccupations, then there is no harm in it.

(المعجم ٩) - بَابُ دَعْوَةِ الخَيْلِ (التحفة ٩)

Chapter 9. The Supplication Of The Horse

٣٦٠٩ - **أَخْبَرَنَا** عَمْرُو بْنُ عَلِيٍّ قَالَ: أَخْبَرَنَا يَحْيَى قَالَ: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَبِيبٍ عَنْ سُوَيْدِ بْنِ قَيْسٍ، عَنْ مُعَاوِيَةَ بْنِ حُدَيْجٍ، عَنْ أَبِي ذَرٍّ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَا مِنْ فَرَسٍ عَرَبِيٍّ إِلَّا يُؤْذَنُ لَهُ عِنْدَ كُلِّ سَحَرٍ بِدَعْوَتَيْنِ: اللَّهُمَّ! خَوَّلْتَنِي مَنْ خَوَّلْتَنِي مِنْ بَنِي آدَمَ وَجَعَلْتَنِي لَهُ، فَاجْعَلْنِي أَحَبَّ أَهْلِهِ وَمَالِهِ إِلَيْهِ أَوْ مِنْ أَحَبِّ أَهْلِهِ وَمَالِهِ إِلَيْهِ».

3609. It was narrated that Abû Dharr said: "The Messenger of Allâh ﷺ said: 'There is no Arabian horse but it is allowed to offer two supplications every *Sahar* (end of the night): O Allâh, You have caused me to be owned by whoever You wanted among the sons of Âdam, and you have made me belong to him. Make me the dearest of his family and wealth to him, or among the dearest of his family and wealth to him.'" (*Sahîh*)

تخريج: [إسناده صحيح] أخرجه أحمد: ٥/ ١٧٠ عن يحيى بن سعيد القطان به، وصححه الحاكم: ٢/ ٩٢، ووافقه الذهبي.

Comments:

1. It is unequivocally proved through the Glorious Qur'ân and the Traditions (*Ahâdith*) that even animals too speak in their language. Since we do not understand their language, we consider them dumb. Everything communicates, especially with Allâh, Most High.
2. '*Sahar* (end of the night)' because this is the time when supplications are responded to or granted.

Chapter 10. Stern Warning Against Mating A Donkey With A Horse

(المعجم ١٠) - التَّشْدِيدُ فِي حَمْلِ الحَمِيرِ عَلَى الخَيْلِ (التحفة ١٠)

3610. It was narrated that 'Alî bin Abî Țâlib, may Allâh be pleased with him, said: "A mule was given as a gift to the Messenger of Allâh ﷺ and he rode it." 'Alî said: "If we mate a donkey with a horse, we will have one like this." The Messenger of Allâh ﷺ said: "That is only done by those who do not know." (*Sahîh*)

٣٦١٠ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنِ ابْنِ زُرَيْرٍ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللهُ عَنْهُ قَالَ: أُهْدِيَتْ إِلَى رَسُولِ اللهِ ﷺ بَغْلَةٌ فَرَكِبَهَا، فَقَالَ عَلِيٌّ: لَوْ حَمَلْنَا الْحَمِيرَ عَلَى الْخَيْلِ لَكَانَتْ لَنَا مِثْلُ هٰذِهِ، قَالَ رَسُولُ اللهِ ﷺ: «إِنَّمَا يَفْعَلُ ذٰلِكَ الَّذِينَ لَا يَعْلَمُونَ».

تخريج: [إسناده صحيح] أخرجه أبو داود، الجهاد، باب: في كراهية الحمر تنزى على الخيل، ح: ٢٥٦٥ عن قتيبة به، وهو في الكبرى، ح: ٤٤٢١، وصححه ابن حبان، ح: ١٦٣٩.

Comments:

Why is this forbidden? Either it might be for the reason that it corrupts the pedigree, or it might be because in it an attempt has been made to obtain something inferior by discarding something superior. If such a thing, however, falls into one's hand effortlessly, then its use is not forbidden. This is because the mule in itself is not a harmful or a blameworthy animal. Some people have held this process permissible, because the Glorious Qur'ân makes mention of mules along with horses and donkeys, to express His bounties upon humankind. But it is contrary to the command of the Messenger of Allâh ﷺ.

3611. It was narrated that 'Abdullâh bin 'Ubaidullâh bin 'Abbâs said: I was with Ibn 'Abbâs and a man asked him: "Did the

٣٦١١ - أَخْبَرَنَا حُمَيْدُ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ أَبِي جَهْضَمٍ، عَنْ عَبْدِ اللهِ ابْنِ عُبَيْدِ اللهِ بْنِ عَبَّاسٍ قَالَ: كُنْتُ عِنْدَ ابْنِ

عَبَّاسٍ فَسَأَلَهُ رَجُلٌ: أَكَانَ رَسُولُ اللهِ ﷺ يَقْرَأُ فِي الظُّهْرِ وَالْعَصْرِ؟ قَالَ: لَا، قَالَ: فَلَعَلَّهُ كَانَ يَقْرَأُ فِي نَفْسِهِ؟ قَالَ: خَمْشًا، هٰذِهِ شَرٌّ مِنَ الْأُولَى، إِنَّ رَسُولَ اللهِ ﷺ عَبْدٌ أَمَرَهُ اللهُ تَعَالَى بِأَمْرِهِ فَبَلَّغَهُ، وَاللّٰهِ! مَا اخْتَصَّنَا رَسُولُ اللهِ ﷺ بِشَيْءٍ دُونَ النَّاسِ إِلَّا بِثَلَاثَةٍ: أَمَرَنَا أَنْ نُسْبِغَ الْوُضُوءَ، وَأَنْ لَا نَأْكُلَ الصَّدَقَةَ، وَلَا نُنْزِيَ الْحُمُرَ عَلَى الْخَيْلِ.

Messenger of Allâh ﷺ recite during *Zuhr* and *'Asr*?" He said: "No." He said: "Perhaps he used to recite to himself?" He said: "May your face be scratched! This question is worse than the first one. The Messenger of Allâh ﷺ was a slave whose Lord commanded him and he conveyed (the message). By Allâh, the Messenger of Allâh ﷺ did not specify anything for us above the people, except for three things: He commanded us to perform *Wuḍû'* properly,[1] not to consume charity, and not to mate donkeys with horses." (***Hasan***)

تخريج: [إسناده حسن] تقدم، ح:١٤١، وهو في الكبرٰى، ح:٤٤٢٢ .

Comments:

1. Other Companions reported that the Prophet ﷺ recited quietly or inaudibly in the *Zuhr* and *'Asr* prayers.
2. 'May your face be scratched': He said this to express his displeasure.

Chapter 11. The Feed Of Horses

(المعجم ١١) - عَلَفُ الْخَيْلِ (التحفة ١١)

٣٦١٢ - قَالَ الْحَارِثُ بْنُ مِسْكِينٍ - قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - عَنِ ابْنِ وَهْبٍ: حَدَّثَنِي طَلْحَةُ بْنُ أَبِي سَعِيدٍ أَنَّ سَعِيدًا الْمَقْبُرِيَّ حَدَّثَهُ عَنْ أَبِي هُرَيْرَةَ، عَنْ رَسُولِ اللهِ ﷺ قَالَ: «مَنِ احْتَبَسَ فَرَسًا فِي سَبِيلِ اللهِ إِيمَانًا بِاللّٰهِ وَتَصْدِيقًا لِوَعْدِ اللهِ، كَانَ شِبَعُهُ وَرِيُّهُ وَبَوْلُهُ وَرَوْثُهُ حَسَنَاتٍ فِي مِيزَانِهِ».

3612. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever keeps a horse for the cause of Allâh out of faith in Allâh and believing the promise of Allâh, its feed, water, urine and dung will all count as *Ḥasanât* in the balance of his deeds." (***Sahîh***)

تخريج: أخرجه البخاري، الجهاد، باب من احتبس فرسًا في سبيل الله ... إلخ، ح:٢٨٥٣ من حديث طلحة به، وهو في الكبرٰى، ح:٤٤٢٣ .

[1] "*An Nusbig Al-Wuḍû'.*" *Isbâg Al-Wuḍû'* means washing each limb three times. Because performing it well or completely is not restricted to the family of the Messenger ﷺ.

Comments:

(See *Ḥadîth* 3593)

Chapter 12. Finish Line Of A Race For Horses That Have Not Been Made Lean

(المعجم ١٢) - **غَايَةُ السَّبْقِ لِلَّتِي لَمْ تُضْمَرْ** (التحفة ١٢)

3613. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ organized a horse race and sent them from Al-Ḥafyâ' and its finish line was Thaniyyat Al-Wadâ'; and he organized a race for horses that had not been made lean, and the course stretched from Ath-Thaniyyah to the *Masjid* of Banu Zuraiq. (*Ṣaḥîḥ*)

٣٦١٣ - أَخْبَرَنَا قُتَيْبَةُ: أَنْبَأَنَا اللَّيْثُ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ سَابَقَ بَيْنَ الْخَيْلِ يُرْسِلُهَا مِنَ الْحَفْيَاءِ، وَكَانَ أَمَدُهَا ثَنِيَّةَ الْوَدَاعِ؛ وَسَابَقَ بَيْنَ الْخَيْلِ الَّتِي لَمْ تُضْمَرْ، وَكَانَ أَمَدُهَا مِنَ الثَّنِيَّةِ إِلَى مَسْجِدِ بَنِي زُرَيْقٍ.

تخريج: أخرجه مسلم، الإمارة، باب المسابقة بين الخيل وتضميرها، ح:١٨٧٠ عن قتيبة، والبخاري، الجهاد، باب الخيل للسبق، ح:٢٨٦٩ من حديث الليث بن سعد به، وهو في الكبرٰى، ح:٤٤٢٥.

Comments:

1. 'Horses made lean': means horses which were specially prepared for racing. The process of training for making a horse lean was that it was earlier fattened with rich food for a period of time. Then its food was gradually reduced and it was put in closed housing, where it was covered with clothes until it perspired. Consequently, it became firm and gained strength. It would then run well, and would not sweat, and would not become breathless. Such horses proved very beneficial in battles.
2. The distance from Al-Hafyâ' to Thaniyyat Al-Wadâ' was six miles, and from Thaniyyat Al-Wadâ' to the mosque of Banu Zuraiq was one mile. Such was the difference between trained and untrained horses.

Chapter 13. Making Horses Lean For Racing

(المعجم ١٣) - **بَابُ إِضْمَارِ الخَيْلِ لِلسَّبْقِ** (التحفة ١٣)

3614. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ organized a race for horses that had been made lean, from Al-Ḥafyâ' and its finish line was Thaniyyat Al-Wadâ', and he organized another race for horses that had not been made lean, from

٣٦١٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ ابْنُ مِسْكِينٍ - قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ سَابَقَ بَيْنَ الْخَيْلِ الَّتِي قَدْ أُضْمِرَتْ مِنَ الْحَفْيَاءِ، وَكَانَ أَمَدُهَا ثَنِيَّةَ

Ath-Thaniyyah to the *Masjid* of Banu Zuraiq, and 'Abdullâh was among those who took part in the race. (*Sahîh*)

الْوَدَاعِ، وَسَابَقَ بَيْنَ الْخَيْلِ الَّتِي لَمْ تُضَمَّرْ مِنَ الثَّنِيَّةِ إِلَى مَسْجِدِ بَنِي زُرَيْقٍ، وَأَنَّ عَبْدَ اللهِ كَانَ مِمَّنْ سَابَقَ بِهَا.

تخريج: أخرجه البخاري، الصلوة، باب: هل يقال: مسجد بني فلان؟، ح:٤٢٠، ومسلم، الإمارة، باب المسابقة بين الخيل وتضميرها، ح:١٨٧٠ من حديث مالك به، وهو في الموطأ (يحيى): ٢/٤٦٧، ٤٦٨، والكبرى، ح:٤٤٢٤.

Chapter 14. Awards (For Victory In Competition)

(المعجم ١٤) - بَابُ السَّبَقِ (التحفة ١٤)

3615. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "There should be no awards (for victory in a competition) except a arrows, camels or horses." (*Hasan*)

٣٦١٥ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنِ ابْنِ أَبِي ذِئْبٍ، عَنْ نَافِعِ بْنِ أَبِي نَافِعٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا سَبَقَ إِلَّا فِي نَصْلٍ أَوْ حَافِرٍ أَوْ خُفٍّ».

تخريج: [إسناده حسن] أخرجه أبو داود، الجهاد، باب: في السبق، ح:٢٥٧٤، والترمذي: ١٧٠٠ من حديث محمد بن عبدالرحمٰن بن أبي ذئب به، وهو في الكبرى، ح:٤٤٢٦، وقال الترمذي: "حسن"، وصححه ابن حبان، ح:١٦٣٨، وللحديث طرق أخرى.

Comments:

1. By organizing such events or competitions, military power would strengthen.
2. 'Not appropriate': Probably, the apparent meaning might have been that other sports and games are not worthy that prizes could be instituted over them. Or it might be in order to pronounce its excellence that the institution of prizes is commendable as well as deserving of recompense.

3616. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "There should be no awards (for victory in a competition) except on arrows, camels or horses." (*Hasan*)

٣٦١٦ - أَخْبَرَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمٰنِ أَبُو عَبْدِ اللهِ الْمَخْزُومِيُّ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ ابْنِ أَبِي ذِئْبٍ، عَنْ نَافِعِ بْنِ أَبِي نَافِعٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا سَبَقَ إِلَّا فِي نَصْلٍ أَوْ خُفٍّ أَوْ حَافِرٍ».

تخريج: [إسناده حسن] انظر الحديث السابق، وهو في الكبرى، ح:٤٤٢٧.

3617. It was narrated that Abû Hurairah said: "Now award (for victory in a competition) is permissible except over camels or

٣٦١٧ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ قَالَ: أَخْبَرَنَا اللَّيْثُ عَنِ

horses." (*Ḥasan*)

ابْنِ أَبِي جَعْفَرٍ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي عَبْدِ اللهِ مَوْلَى الْجُنْدُعِيِّينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: لَا يَحِلُّ سَبَقٌ إِلَّا عَلَى خُفٍّ أَوْ حَافِرٍ.

تخريج: [**إسناده حسن**] أخرجه البخاري في التاريخ الكبير: ٩/ ٤٨ من حديث الليث بن سعد به، وهو في الكبرى، ح: ٤٤٢٨ * ابن أبي جعفر هو عبيدالله، وأبو عبدالله ثقة، وثقه العجلي، وابن حبان وغيرهما.

3618. It was narrated that Anas said: "The Messenger of Allâh ﷺ had a she-camel called Al-'Aḍbâ' which could not be beaten. One day a Bedouin came on a riding-camel and beat her (in a race). The Muslims were upset by that, and when he saw the expressions on their faces they said: 'O Messenger of Allâh, Al-'Aḍbâ' has been beaten.' He said: 'It is a right upon Allâh that nothing is raised in this world except He lowers it.'" (*Ṣaḥîḥ*)

٣٦١٨ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ الْمُثَنَّى عَنْ خَالِدٍ قَالَ: حَدَّثَنَا حُمَيْدٌ عَنْ أَنَسٍ قَالَ: كَانَتْ لِرَسُولِ اللهِ ﷺ نَاقَةٌ تُسَمَّى الْعَضْبَاءَ لَا تُسْبَقُ، فَجَاءَ أَعْرَابِيٌّ عَلَى قَعُودٍ فَسَبَقَهَا، فَشَقَّ ذٰلِكَ عَلَى الْمُسْلِمِينَ، فَلَمَّا رَأَى مَا فِي وُجُوهِهِمْ قَالُوا: يَا رَسُولَ اللهِ! سُبِقَتِ الْعَضْبَاءُ، قَالَ: «إِنَّ حَقًّا عَلَى اللهِ أَنْ لَا يَرْتَفِعَ شَيْءٌ مِنَ الدُّنْيَا إِلَّا وَضَعَهُ».

تخريج: أخرجه البخاري، ح: ٢٨٧١، ٢٨٧٢، ٦٥٠١ من حديث حميد الطويل به، وصرح بالسماع عنده، وهو في الكبرى، ح: ٤٤٢٩.

Comments:

1. '*Al-Adhbâ'* lexically means 'had her ear slit'. But the Prophet's ﷺ she-camel did not have a slit ear. On the contrary, 'Adbâ' was her informal name. Her ears might probably have been smaller, and she was called Al-'Adbâ' because of that.
2. 'He lowers it': This is because 'all that lives on earth perishes'. Everything that belongs to the world is bound to perish. It is, therefore, not possible for anything to stay permanently in the state of ascendancy. Every young one has to turn old; every powerful one has to become weak. And every swift one has to turn slow down. Except what Allâh wills!

3619. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "There should be no awards (for victory in a compatition) except over camels or horses." (*Ṣaḥîḥ*)

٣٦١٩ - **أَخْبَرَنَا** عِمْرَانُ بْنُ مُوسَى قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي الْحَكَمِ مَوْلًى لِبَنِي لَيْثٍ، [عَنْ مُحَمَّدٍ]، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا سَبَقَ إِلَّا فِي خُفٍّ أَوْ حَافِرٍ».

تخريج: [صحيح] أخرجه ابن ماجه، الجهاد، باب السبق والرهان، ح:٢٨٧٨ من حديث محمد بن عمرو به، وهو في الكبرٰى، ح:٤٤٣٠، وله شاهد تقدم، ح:٣٦١٥.

Chapter 15. *Jalab* (Bringing)

(المعجم ١٥) - الْجَلَبُ (التحفة ١٥)

3620. It was narrated from 'Imrân bin Ḥuṣain that the Messenger of Allâh ﷺ said: "There is no 'bringing', no 'avoidance'[1] and no *Shighâr*[2] in Islam, and whoever robs is not one of us." (*Ṣaḥîḥ*)

٣٦٢٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ بَزِيعٍ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زُرَيْعٍ - قَالَ: حَدَّثَنَا حُمَيْدٌ قَالَ: حَدَّثَنَا الْحَسَنُ عَنْ عِمْرَانَ ابْنِ حُصَيْنٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا جَلَبَ وَلَا جَنَبَ وَلَا شِغَارَ فِي الْإِسْلَامِ، وَمَنِ انْتَهَبَ نُهْبَةً فَلَيْسَ مِنَّا».

تخريج: [صحيح] تقدم، ح:٣٣٣٧، وهو في الكبرٰى، ح:٤٤٣١ .

Comments:

(Concerning details about *Jalab* and *Janab*, see *Ḥadîth* 3337)

Chapter 16. *Janab* (Avoidance)

(المعجم ١٦) - الْجَنَبُ (التحفة ١٦)

3621. It was narrated from 'Imrân bin Ḥuṣain that the Messenger of Allâh ﷺ said: "There is no 'bringing', no 'avoidance' and no *Shighâr* in Islam." (*Ṣaḥîḥ*)

٣٦٢١ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي قَزَعَةَ، عَنِ الْحَسَنِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا جَلَبَ وَلَا جَنَبَ وَلَا شِغَارَ فِي الْإِسْلَامِ».

تخريج: [صحيح]وهو في الكبرٰى، ح:٤٤٣٢، وانظر الحديث السابق.

3622. It was narrated that Anas bin Mâlik said: "The Messenger of Allâh ﷺ raced with a Bedouin and (the latter) won. It was as if the Companions of the Messenger of

٣٦٢٢ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدِ بْنِ كَثِيرٍ قَالَ: حَدَّثَنَا بَقِيَّةُ بْنُ الْوَلِيدِ قَالَ: حَدَّثَنِي شُعْبَةُ قَالَ: حَدَّثَنِي حُمَيْدٌ

[1] *Jalab* and *Janab*: i.e., the *Zakâh* collector should not stop in one place and demand that the people bring their goods and livestock to him for him to assess them, and determine how much *Zakâh* is due. Conversely the people should not go to remote areas away from where they are expected to be, so that the *Zakâh* collector has to travel far and face undue hardship in doing his job.

[2] See No. 3336.

الطَّوِيلُ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: سَابَقَ رَسُولَ اللهِ ﷺ أَعْرَابِيٌّ فَسَبَقَهُ، فَكَأَنَّ أَصْحَابَ رَسُولِ اللهِ ﷺ وَجَدُوا فِي أَنْفُسِهِمْ مِنْ ذٰلِكَ، فَقِيلَ لَهُ فِي ذٰلِكَ، فَقَالَ: «حَقٌّ عَلَى اللّٰهِ أَنْ لَا يَرْفَعَ شَيْءٌ نَفْسَهُ فِي الدُّنْيَا إِلَّا وَضَعَهُ اللّٰهُ».

Allâh ﷺ were upset by this, so he said: 'It is a right upon Allâh that there is nothing that raises itself in this world except that He lowers it.'" (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم طرفه، ح:٣٦١٨، وهو في الكبرٰى، ح:٤٤٣٣.

Comments:
See No. 3618.

(المعجم ١٧) - بَابُ سُهْمَانِ الْخَيْلِ (التحفة ١٧)

Chapter 17. Two Shares For The Horse

٣٦٢٣ - قَالَ الْحَارِثُ بْنُ مِسْكِينٍ - قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - عَنِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ عَبْدِ الرَّحْمٰنِ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ يَحْيَى بْنِ عَبَّادِ بْنِ عَبْدِ اللهِ بْنِ الزُّبَيْرِ، عَنْ جَدِّهِ أَنَّهُ كَانَ يَقُولُ: ضَرَبَ رَسُولُ اللهِ ﷺ عَامَ خَيْبَرَ لِلزُّبَيْرِ بْنِ الْعَوَّامِ أَرْبَعَةَ أَسْهُمٍ: سَهْمًا لِلزُّبَيْرِ، وَسَهْمًا لِذِي الْقُرْبَى لِصَفِيَّةَ بِنْتِ عَبْدِ الْمُطَّلِبِ أُمِّ الزُّبَيْرِ، وَسَهْمَيْنِ لِلْفَرَسِ.

3623. It was narrated from Yaḥya bin 'Abbâd bin 'Abdullâh bin Az-Zubair, from his grandfather, that he used to say: "In the year of Khaibar, the Messenger of Allâh ﷺ allocated four shares to Az-Zubair bin Al-'Awwâm: A share of Az-Zubair, a share for the relatives of Ṣafiyyah bint 'Abdul-Muṭṭâlib, the mother of Az-Zubair, and two shares for the horse." (*Ṣaḥîḥ*)

تخريج: [إسناده صحيح] أخرجه الدارقطني:٤/ ١١٠، ح:٤١٤٣، وعنه البيهقي:٩/ ٥٢، ٥٣ من حديث ابن وهب به، وهو في الكبرٰى، ح:٤٤٣٤، وفيه علة غير قادحة، ورواه محاضر بن المورع عن هشام بن عروة به، عند الدارقطني.

Comments:

1. Zubair was related to the Prophet ﷺ from the side of his paternal aunt. The Divine law had earmarked a rightful share for the members of the Prophet's ﷺ household in the *Khumus*. This *Khumus* or a fifth part was taken from the spoils of war.
2. The majority of the people of knowledge maintain that a horse would receive two shares from the spoils of war. In other words, a rider would get three shares, whereas a footman would receive one.

29. The Book Of Endowments (*Al-Iḥbâs*)

(المعجم ٢٩) - **كِتَابُ الإحْبَاسِ**
(التحفة ١٢)

An endowment signifies setting apart a thing for the countenance of Allâh. It should, therefore, not be made a property of anyone else. It is rather left without an owner, so that it could neither be sold, nor substituted, nor inherited. It would stay as it is till the Day of Resurrection. However, the *income accruing from such endowments* would be spent on people for whom the property is endowed, for instance, travelers, kith and kin, the poor, or the widows, etc. The person establishing an endowment would appoint an administrator, irrespective of whether he appoints himself, someone else, or the government, or any other organization.

Chapter 1. (What The Messenger Of Allâh ﷺ Left Behind When He Died)

(المعجم ١) - [بَابٌ: مَا تَرَكَ رَسُولُ اللهِ ﷺ عِنْدَ وَفَاتِهِ] (التحفة ١)

3624. It was narrated that 'Amr bin Al-Ḥârith said: "The Messenger of Allâh ﷺ did not leave behind a *Dînâr* nor a *Dirham*, or any slave, male or female; except his white mule which he used to ride, his weapon and some land which he left *to be used for the cause of Allâh*." (One of the narrators) Qutaibah said on one occasion: "In charity." (*Ṣaḥîḥ*)

٣٦٢٤ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ أَبِي إِسْحَاقَ، عَنْ عَمْرِو بْنِ الْحَارِثِ قَالَ: مَا تَرَكَ رَسُولُ اللهِ ﷺ دِينَارًا وَلَا دِرْهَمًا وَلَا عَبْدًا وَلَا أَمَةً إِلَّا بَغْلَتَهُ الشَّهْبَاءَ الَّتِي كَانَ يَرْكَبُهَا وَسِلَاحَهُ وَأَرْضًا جَعَلَهَا فِي سَبِيلِ اللهِ، وَقَالَ قُتَيْبَةُ مَرَّةً أُخْرَى: صَدَقَةً.

تخريج: أخرجه البخاري، المغازي، باب مرض النبي ﷺ ووفاته، ح: ٤٤٦١ عن قتيبة به، وهو في الكبرٰى، ح: ٦٤٢١ .

Comments:

1. The Messenger of Allâh ﷺ did not keep any property. He merely ate and drank (in order to sustain himself), kept things which were needed for use, as it clearly transpires from the above-mentioned narration.
2. If no administrator has been appointed over the endowment, then the current ruler shall be its administrator.

3625. Abû Isḥâq narrated: "I heard 'Amr bin Al-Ḥârith say: 'The Messenger of Allâh ﷺ did not leave behind anything except his white mule, his weapon and some land which he left as a charity.'" (*Ṣaḥîḥ*)

٣٦٢٥ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنِي أَبُو إِسْحَاقَ قَالَ: سَمِعْتُ عَمْرَو ابْنَ الْحَارِثِ يَقُولُ: «مَا تَرَكَ رَسُولُ اللهِ ﷺ

إِلَّا بَغْلَتَهُ الْبَيْضَاءَ وَسِلَاحَهُ وَأَرْضًا تَرَكَهَا صَدَقَةً».

تخريج: أخرجه البخاري، الجهاد، باب بغلة النبي ﷺ البيضاء، ح: ٢٨٧٣ عن عمرو بن علي به، وهو في الكبرى، ح: ٦٤٢٢.

3626. Yûnus bin Abî Isḥâq narrated that his father said: "I heard 'Amr bin Al-Ḥâri<u>th</u> say: 'I saw the Messenger of Allâh ﷺ and he left nothing behind except his white mule, his weapon and some land which he left as a charity.'" (*Ṣaḥîḥ*)

٣٦٢٦ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ الْحَنَفِيُّ قَالَ: حَدَّثَنَا يُونُسُ بْنُ أَبِي إِسْحَاقَ عَنْ أَبِيهِ قَالَ: سَمِعْتُ عَمْرَو بنَ الْحَارِثِ يَقُولُ: «رَأَيْتُ رَسُولَ اللهِ ﷺ وَمَا تَرَكَ إِلَّا بَغْلَتَهُ الشَّهْبَاءَ وَسِلَاحَهُ وَأَرْضًا تَرَكَهَا صَدَقَةً».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٢٣.

Chapter 2. Endowments: How The Endowment Is To Be Recorded, And Mentioning The Differences Reported From Ibn 'Awn In The Narration Of Ibn 'Umar

(المعجم ٢) - الإِحْبَاسُ كَيْفَ يُكْتَبُ الْحَبْسُ وَذِكْرُ الاِخْتِلَافِ عَلَى ابْنِ عَوْنٍ فِي خَبَرِ ابْنِ عُمَرَ فِيهِ (التحفة ٢)

3627. It was narrated from Sufyân A<u>th</u>-<u>Th</u>awrî, from Ibn 'Awn, from Nâfi', from Ibn 'Umar, from 'Umar, that he said: "I was allocated some land of <u>Kh</u>aibar. I came to the Messenger of Allâh ﷺ and said: 'I have acquired some land and I have never acquired any wealth that is dearer to me or more precious than it.' He said: 'If you wish, you can give it in charity.'" So he gave it in charity on condition that it would not be bought or given away, for the poor, relatives, slaves, guests and wayfarers. And there is no sin on the administrator if he eats from it or feeds others on a reasonable basis, with no intention of becoming wealthy from it. (*Ṣaḥîḥ*)

٣٦٢٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ الْحَفَرِيُّ عُمَرُ بْنُ سَعْدٍ عَنْ سُفْيَانَ الثَّوْرِيِّ، عَنِ ابْنِ عَوْنٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: أَصَبْتُ أَرْضًا مِنْ أَرْضِ خَيْبَرَ، فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَقُلْتُ: أَصَبْتُ أَرْضًا لَمْ أُصِبْ مَالًا أَحَبَّ إِلَيَّ وَلَا أَنْفَسَ عِنْدِي مِنْهَا، قَالَ: «إِنْ شِئْتَ تَصَدَّقْتَ بِهَا». فَتَصَدَّقَ بِهَا عَلَى أَنْ لَا تُبَاعَ وَلَا تُوهَبَ فِي الْفُقَرَاءِ وَذَوِي الْقُرْبَى وَالرِّقَابِ وَالضَّيْفِ وَابْنِ السَّبِيلِ، لَا جُنَاحَ عَلَى مَنْ وَلِيَهَا أَنْ يَأْكُلَ بِالْمَعْرُوفِ غَيْرَ مُتَمَوِّلٍ مَالًا وَيُطْعِمَ.

تخريج: أخرجه مسلم، الوصية، باب الوقف، ح:١٦٣٣ عن إسحاق بن إبراهيم به، وهو في الكبرٰى، ح:٦٤٢٤.

Comments:

Behold the selflessness of 'Umar ﷺ. He endowed his most precious property in the way of Allâh. Only such people attain high ranks. May Allâh be pleased with him and he be with Him.

3628. A similar report was narrated from Abû Ishâq Al-Fazârî, from (Ayyûb) bin 'Awn, from Nâfi', from Ibn 'Umar, from 'Umar, may Allâh be pleased with him, from the Prophet ﷺ. (*Sahîh*)

٣٦٢٨ - أَخْبَرَنِي هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مُعَاوِيَةُ بْنُ عَمْرٍو عَنْ أَبِي إِسْحَاقَ الْفَزَارِيِّ، عَنْ [أَيُّوبَ] بْنِ عَوْنٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ رَضِيَ اللهُ عَنْهُ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٤٢٥.

3629. It was narrated that Yazîd – Ibn Ruzaiq – said: "Ibn 'Awn narrated to us, from Nâfi', from Ibn 'Umar, from 'Umar, who said: 'I acquired some land at Khaibar. He came to the Prophet ﷺ and said: I have acquired some land at Khaibar, and I have never been given any wealth that is more precious to me than it. What do you command me to do with it? He said: If you wish, you can 'freeze' it and give it in charity. So he gave it in charity on condition that it would not be sold, given away or inherited, to the poor, relatives, slaves, for the cause of Allâh, guests and wayfarers. There is no sin on the one who administers it if he eats from it on a reasonable basis and feeds his friend, with no intention of becoming wealthy from it.'" (*Sahîh*)

٣٦٢٩ - أَخْبَرَنَا حُمَيْدُ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زُرَيْعٍ - قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: أَصَابَ عُمَرُ أَرْضًا بِخَيْبَرَ، فَأَتَى النَّبِيَّ ﷺ فَقَالَ: أَصَبْتُ أَرْضًا وَلَمْ أُصِبْ مَالًا قَطُّ أَنْفَسَ عِنْدِي، فَكَيْفَ تَأْمُرُ بِهِ؟ قَالَ: «إِنْ شِئْتَ حَبَّسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا». فَتَصَدَّقَ بِهَا عَلَى أَنْ لَا تُبَاعَ وَلَا تُوهَبَ وَلَا تُورَثَ، فِي الْفُقَرَاءِ وَالْقُرْبَى وَالرِّقَابِ وَفِي سَبِيلِ اللهِ وَالضَّيْفِ وَابْنِ السَّبِيلِ، لَا جُنَاحَ عَلَى مَنْ وَلِيَهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ، وَيُطْعِمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ فِيهِ.

تخريج: أخرجه البخاري، الوصايا، باب الوقف كيف يكتب؟، ح:٢٧٧٢ من حديث يزيد بن زريع، ومسلم، الوصية، باب الوقف، ح:١٦٣٢ من حديث عبدالله بن عون به، وهو في الكبرٰى، ح:٦٤٢٦.

Comments:

Zakâh is not taken from an endowment. On the contrary, those for whom the endowment is established may derive benefit out of it, irrespective of whether they are wealthy. 'Kith and kin' probably mean the relatives of 'Umar ﷺ or the people of the Prophet's ﷺ family. 'Administrator': The administrator of the endowment may take a remuneration commensurate with his responsibilities, which has been described in the *Ḥadîth* by the use of the term *Ma'rûf* (well-known, universally recognized, that which is good or beneficial). The administrator's hand ought not to remain liberal in the matters of the endowment. Otherwise, it might pave the way to misappropriation.

3630. It was narrated from Bishr, from Ibn 'Awn, from Nâfi', from Ibn 'Umar who said: "Umar acquired some land at Khaibar. He came to the Prophet ﷺ and consulted him about it. He said: 'I have acquired a great deal of land, and I have never acquired any wealth that is more precious to me than it. What do you command me to do with it?' He said: 'If you wish, you may freeze it and give it in charity.' So he gave it in charity on condition that it would not be sold or given away, and he gave it in charity to the poor, relatives, to emancipate slaves, for the cause of Allâh, for wayfarers and guests. There is no sin – on the administrator – if he eats (from it) or feeds a friend, with no intention of becoming wealthy from it.'" These are the wordings of Ismâ'îl.[1] (*Ṣaḥîḥ*)

٣٦٣٠ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعودٍ قَالَ: حَدَّثَنَا بِشْرٌ عَنِ ابْنِ عَوْنٍ؛ ح قَالَ: وَأَخْبَرَنَا حُمَيْدُ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا بِشْرٌ قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: أَصَابَ عُمَرُ أَرْضًا بِخَيْبَرَ، فَأَتَى النَّبِيَّ ﷺ فَاسْتَأْمَرَهُ فِيهَا فَقَالَ: إِنِّي أَصَبْتُ أَرْضًا كَثِيرًا لَمْ أُصِبْ مَالًا قَطُّ أَنْفَسَ عِنْدِي مِنْهُ، فَمَا تَأْمُرُنِي فِيهَا؟ قَالَ: «إِنْ شِئْتَ حَبَّسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا» فَتَصَدَّقَ بِهَا عَلَى أَنَّهُ لَا تُبَاعُ وَلَا تُوهَبُ، فَتَصَدَّقَ بِهَا فِي الْفُقَرَاءِ وَالْقُرْبَى وَفِي الرِّقَابِ وَفِي سَبِيلِ اللهِ وَابْنِ السَّبِيلِ وَالضَّيْفِ، لَا جُنَاحَ - يَعْنِي عَلَى مَنْ وَلِيَهَا - أَنْ يَأْكُلَ أَوْ يُطْعِمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ. اللَّفْظُ لِإِسْمَاعِيلَ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٢٧.

Comments:

The land was given to 'Umar ﷺ by way of spoils consequent to the Campaign of Khaibar.

3631. It was narrated from Azhâr As-Sammân, from Ibn 'Awn, from Nâfi', from Ibn 'Umar, that 'Umar

٣٦٣١ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا أَزْهَرُ السَّمَّانُ عَنِ ابْنِ عَوْنٍ، عَنْ

[1] That is, one of the two from whom the author heard this narration.

نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ عُمَرَ أَصَابَ أَرْضًا بِخَيْبَرَ، فَأَتَى النَّبِيَّ ﷺ يَسْتَأْمِرُهُ فِي ذٰلِكَ، فَقَالَ: «إِنْ شِئْتَ حَبَّسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا» فَحَبَّسَ أَصْلَهَا أَنْ لَا تُبَاعَ وَلَا تُوهَبَ وَلَا تُورَثَ، فَتَصَدَّقَ بِهَا عَلَى الْفُقَرَاءِ وَالْقُرْبَى وَالرِّقَابِ وَفِي الْمَسَاكِينِ وَابْنِ السَّبِيلِ وَالضَّيْفِ، لَا جُنَاحَ عَلَى مَنْ وَلِيَهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ أَوْ يُطْعِمَ صَدِيقَهُ غَيْرَ مُتَمَوِّلٍ فِيهِ.

acquired some land at Khaibar. He came to the Prophet ﷺ and consulted him about that. He said: "If you wish, you may 'freeze' it and give it in charity." So he 'froze' it, stipulating that it should not be sold, given as a gift or inherited, and he gave it in charity to the poor, relatives, slaves, the needy, wayfarers and guests. There is no sin on the administrator if he eats from it on a reasonable basis or feeds a friend with no intention of becoming wealthy from it. (*Sahîh*)

تخريج: [**صحيح**] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٦٤٢٨.

٣٦٣٢ - أَخْبَرَنَا أَبُو بَكْرِ بْنُ نَافِعٍ قَالَ: حَدَّثَنَا بَهْزٌ قَالَ: حَدَّثَنَا حَمَّادٌ قَالَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسٍ قَالَ: لَمَّا نَزَلَتْ هٰذِهِ الْآيَةُ ﴿لَن تَنَالُوا۟ ٱلْبِرَّ حَتَّىٰ تُنفِقُوا۟ مِمَّا تُحِبُّونَ﴾ [آل عمران: ٩٢] قَالَ أَبُو طَلْحَةَ: إِنَّ رَبَّنَا لَيَسْأَلُنَا [عَنْ] أَمْوَالِنَا، فَأُشْهِدُكَ يَا رَسُولَ اللهِ! أَنِّي قَدْ جَعَلْتُ أَرْضِي لِلّٰهِ، فَقَالَ رَسُولُ اللهِ ﷺ: «اجْعَلْهَا فِي قَرَابَتِكَ فِي حَسَّانَ بْنِ ثَابِتٍ وَأُبَيِّ ابْنِ كَعْبٍ».

3632. It was narrated that Anas said: "When this Verse was revealed – 'By no means shall you attain Al-Birr (piety, righteousness — here it means Allâh's reward, i.e. Paradise), unless you spend (in Allâh's cause) of that which you love'[1] – Abû Talhah said: 'Our Lord will ask us about our wealth. I adjure you, O Messenger of Allâh! I am giving my land to Allâh.' The Messenger of Allâh ﷺ said: 'Make it for your relatives, Hassân bin Thâbit and Ubayy bin Ka'b.'" (*Sahîh*)

تخريج: أخرجه مسلم، الزكٰوة، باب فضل النفقة والصدقة على الأقربين والزوج والأولاد والوالدين، ولو كانوا مشركين، ح:٩٩٨/٤٣ من حديث بهز به، وهو في الكبرٰى، ح:٦٤٢٩ * حماد هو ابن سلمة.

Comments:

'My land': In reality it was a garden, which was situated in front of the Prophet's ﷺ mosque in the north. It was immensely fertile and dense.

[1] *Âl 'Imrân* 3:92.

Chapter 3. Endowment Benefiting Everyone

(المعجم ٣) - بَابُ حَبْسِ الْمُشَاعِ
(التحفة ٣)

3633. It was narrated that Ibn 'Umar said: "Umar said to the Prophet ﷺ: 'The one hundred shares that I acquired in <u>Kh</u>aibar – I have never acquired any wealth that I like more than that, and I want to give it in charity. The Prophet ﷺ said: Freeze it and donate its fruits.'" (*Ṣaḥîḥ*)

٣٦٣٣ - أَخْبَرَنَا سَعِيدُ بْنُ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عُبَيْدِ اللهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ عُمَرُ لِلنَّبِيِّ ﷺ: إِنَّ الْمِائَةَ سَهْمٍ الَّتِي لِي بِخَيْبَرَ لَمْ أُصِبْ مَالًا قَطُّ أَعْجَبَ إِلَيَّ مِنْهَا، قَدْ أَرَدْتُ أَنْ أَتَصَدَّقَ بِهَا، فَقَالَ النَّبِيُّ ﷺ: «احْبِسْ أَصْلَهَا وَسَبِّلْ ثَمَرَتَهَا».

تخريج: [صحيح] أخرجه ابن ماجه، الصدقات، باب من وقف، ح:٢٣٩٧ من حديث ابن عيينة به، وهو في الكبرى، ح:٦٤٣٠ ※ وقيل: عبدالله العمري، وسنده قوي كما في تسهيل الحاجة، ح:١٢٩٩،٣٦٦.

3634. It was narrated that 'Umar, may Allâh be pleased with him, said: "Umar came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, I have acquired some wealth the like of which I have never acquired before. I had one hundred head (of livestock) with which I bought one hundred shares of <u>Kh</u>aibar from its people. I wanted to draw closer to Allâh, the Mighty and Sublime, by means of it.' He said: 'Freeze it and donate its fruits.'" (*Ṣaḥîḥ*)

٣٦٣٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ الْخَلَنْجِيُّ بِبَيْتِ الْمَقْدِسِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عُبَيْدِ اللهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ رَضِيَ اللهُ عَنْهُ قَالَ: جَاءَ عُمَرُ إِلَى رَسُولِ اللهِ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! إِنِّي أَصَبْتُ مَالًا لَمْ أُصِبْ مَالًا مِثْلَهُ قَطُّ، كَانَ لِي مِائَةُ رَأْسٍ فَاشْتَرَيْتُ بِهَا مِائَةَ سَهْمٍ مِنْ خَيْبَرَ مِنْ أَهْلِهَا، وَإِنِّي قَدْ أَرَدْتُ أَنْ أَتَقَرَّبَ بِهَا إِلَى اللهِ عَزَّ وَجَلَّ قَالَ: «فَاحْبِسْ أَصْلَهَا وَسَبِّلِ الثَّمَرَةَ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٦٤٣١.

3635. It was narrated that 'Umar said: "I asked the Messenger of Allâh ﷺ about some land of mine in <u>Th</u>amgh. He said: 'Freeze it and donate its fruits.'" (*Ṣaḥîḥ*)

٣٦٣٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ مُصَفَّى بْنِ بَهْلُولٍ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ سَعِيدِ بْنِ سَالِمٍ الْمَكِّيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عُمَرَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: سَأَلْتُ رَسُولَ

اللهِ ﷺ عَنْ أَرْضٍ لِي بِثَمْغٍ، قَالَ: «احْبِسْ أَصْلَهَا وَسَبِّلْ ثَمَرَتَهَا».

تخريج: [صحيح] تقدم، ح:٣٦٢٧، وهو في الكبرى، ح:٦٤٣٢.

Chapter 4. An Endowment (*Waqf*) For *Masjids*

(المعجم ٤) - بَابُ وَقْفِ الْمَسَاجِدِ (التحفة ٤)

3636. Al-Aḥnâf said: "I came to Al-Madînah, and I was performing Ḥajj, and while we were in our camping place unloading our mounts, someone came to us and said: 'The people have gathered in the *Masjid*.' I looked and found the people gathered, and in the midst of them was a group; there I saw 'Alî bin Abî Ṭâlib, Az-Zubair, Ṭalḥah and Sa'd bin Abî Waqqâṣ, may Allâh have mercy on them. When I got there, it was said that 'Uthmân bin 'Affân had come. He came, wearing a yellowish cloak. I said to my companion: Stay where you are until I find out what is happening. 'Uthmân said: Is 'Alî here? Is Az-Zubair here? Is Ṭalḥah here? Is Sa'd here? They said: Yes. He said: I adjure you by Allâh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever buys the *Mirbad*[1] of Banu so and so, Allâh will forgive him, and I bought it, then I came to the Messenger of Allâh ﷺ and told him, and he said: Add it to our *Masjid* and the reward for it will be yours? They said: Yes. He said: I adjure you by Allâh,

٣٦٣٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ قَالَ: سَمِعْتُ أَبِي يُحَدِّثُ عَنْ حُصَيْنِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ عُمَرَ بْنِ جَاوَانَ - رَجُلٍ مِنْ بَنِي تَمِيمٍ، وَذَاكَ أَنِّي قُلْتُ لَهُ: أَرَأَيْتَ اعْتِزَالَ الْأَحْنَفِ بْنِ قَيْسٍ مَا كَانَ؟ قَالَ: سَمِعْتُ الْأَحْنَفَ يَقُولُ: أَتَيْتُ الْمَدِينَةَ وَأَنَا حَاجٌّ، فَبَيْنَا نَحْنُ فِي مَنَازِلِنَا نَضَعُ رِحَالَنَا إِذْ أَتَى آتٍ فَقَالَ: قَدِ اجْتَمَعَ النَّاسُ فِي الْمَسْجِدِ، فَاطَّلَعْتُ فَإِذَا - يَعْنِي النَّاسَ - مُجْتَمِعُونَ، وَإِذَا بَيْنَ أَظْهُرِهِمْ نَفَرٌ قُعُودٌ، فَإِذَا هُوَ عَلِيُّ بْنُ أَبِي طَالِبٍ وَالزُّبَيْرُ وَطَلْحَةُ وَسَعْدُ بْنُ أَبِي وَقَّاصٍ رَحْمَةُ اللهِ عَلَيْهِمْ، فَلَمَّا قُمْتُ عَلَيْهِمْ قِيلَ: هٰذَا عُثْمَانُ بْنُ عَفَّانَ قَدْ جَاءَ، قَالَ: فَجَاءَ وَعَلَيْهِ مُلَيَّةٌ صَفْرَاءُ، فَقُلْتُ لِصَاحِبِي: كَمَا أَنْتَ حَتَّى أَنْظُرَ مَا جَاءَ بِهِ، فَقَالَ عُثْمَانُ: أَهٰهُنَا عَلِيٌّ؟ أَهٰهُنَا الزُّبَيْرُ؟ أَهٰهُنَا طَلْحَةُ؟ أَهٰهُنَا سَعْدٌ؟ قَالُوا: نَعَمْ، قَالَ: فَأَنْشُدُكُمْ بِاللَّهِ الَّذِي لَا إِلٰهَ إِلَّا هُوَ! أَتَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ يَبْتَاعُ مِرْبَدَ بَنِي فُلَانٍ غَفَرَ اللهُ لَهُ» فَابْتَعْتُهُ

[1] *Mirbad*: a place for drying dates.

beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever buys the well of Rûmah, Allâh will forgive him, so I came to the Messenger of Allâh ﷺ and said: I have bought the well of Rûmah. He said: Give it to provide water for the Muslims, and the reward for it will be yours? They said: Yes. He said: 'I adjure you by Allâh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever equips the army of Al-'Usrah (i.e., Tabûk), Allâh will forgive him, so I equipped them until they were not lacking even a rope or a bridle? They said: Yes. He said: O Allâh, bear witness, O Allâh, bear witness, O Allâh, bear witness.''' (*Hasan*)

فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَقُلْتُ: إِنِّي ابْتَعْتُ مِرْبَدَ بَنِي فُلَانٍ، قَالَ: «فَاجْعَلْهُ فِي مَسْجِدِنَا وَأَجْرُهُ لَكَ»؟ قَالُوا: نَعَمْ، قَالَ: فَأَنْشُدُكُمْ بِاللَّهِ الَّذِي لَا إِلٰه إِلَّا هوَ! هَلْ تَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ يَبْتَاعُ بِئْرَ رُومَةَ غَفَرَ اللهُ لَهُ». فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَقُلْتُ: قَدِ ابْتَعْتُ بِئْرَ رُومَةَ، قَالَ: «فَاجْعَلْهَا سِقَايَةً لِلْمُسْلِمِينَ وَأَجْرُهَا لَكَ»؟ قَالُوا: نَعَمْ، قَالَ: فَأَنْشُدُكُمْ بِاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ! هَلْ تَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ يُجَهِّزْ جَيْشَ الْعُسْرَةِ غَفَرَ اللهُ لَهُ» فَجَهَّزْتُهُمْ حَتَّى مَا يَفْقِدُونَ عِقَالًا وَلَا خِطَامًا؟ قَالُوا: نَعَمْ، قَالَ: اللَّهُمَّ اشْهَدْ! اللَّهُمَّ اشْهَدْ! اللَّهُمَّ اشْهَدْ!.

تخريج: [**إسناده حسن**] تقدم، ح:٣١٨٤، وهو في الكبرى، ح:٦٤٣٣.

Comments:

See No. 3184.

3637. It was narrated that Al-Ahnaf bin Qais said: "We set out for *Hajj*, and came to Al-Madînah intending to perform *Hajj*. While we were in our camping place unloading our mounts, someone came to us and said: 'The people have gathered in the *Masjid* and there is panic.' So we set out and found the people gathered around a group in the middle of the *Masjid*, among whom were 'Alî, Az-Zubair, Talhah and Sa'd bin Abî Waqqâs. While we were like that, 'Uthmân came, wearing a yellowish cloak with which he had covered his head. He said: Is 'Alî here? Is Talhah here? Is

٣٦٣٧ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ إِدْرِيسَ قَالَ: سَمِعْتُ حُصَيْنَ بْنَ عَبْدِ الرَّحْمٰنِ يُحَدِّثُ عَنْ عَمْرِو بْنِ جَاوَانَ، عَنِ الْأَحْنَفِ بْنِ قَيْسٍ قَالَ: خَرَجْنَا حُجَّاجًا فَقَدِمْنَا الْمَدِينَةَ وَنَحْنُ نُرِيدُ الْحجَّ، فَبَيْنَا نَحْنُ فِي مَنَازِلِنَا نَضَعُ رِحَالَنَا إِذْ أَتَانَا آتٍ فَقَالَ: إِنَّ النَّاسَ قَدِ اجْتَمَعُوا فِي الْمَسْجِدِ وَفَزِعُوا، فَانْطَلَقْنَا فَإِذَا النَّاسُ مُجْتَمِعُونَ عَلَى نَفَرٍ فِي وَسَطِ الْمَسْجِدِ، وَإِذَا عَلِيٌّ وَالزُّبَيْرُ وَطَلْحَةُ وَسَعْدُ بْنُ أَبِي وَقَّاصٍ، فَإِنَّا لَكَذٰلِكَ

Az-Zubair here? Is Sa'd here? They said: Yes. He said: I adjure you by Allâh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever buys the *Mirbad* of Banu so and so, Allâh will forgive him, and I bought it for twenty or twenty-five thousand, then I came to the Messenger of Allâh ﷺ and told him, and he said: Add it to our *Masjid* and the reward for it will be yours? They said: By Allâh, yes. He said: 'I adjure you by Allâh, beside Whom there is none worthy of worship, are you aware that the Messenger of Allâh ﷺ said: Whoever buys the well of Rûmah, Allâh will forgive him, so I bought it for such and such an amount, then I came to the Messenger of Allâh ﷺ and told him, and he said: Give it to provide water for the Muslims, and the reward for it will be yours? They said: By Allâh, yes. He said: 'I adjure you by Allâh, beside Whom there is none worthy of wordhip are you aware that the Messenger of Allâh ﷺ said: Whoever equips these (men), Allâh will forgive him, – meaning the army of Al-'Usrah (i.e., Tabûk) – so I equipped them until they were not lacking even a rope or a bridle? They said: 'By Allâh, yes. He said: O Allâh, bear witness, O Allâh, bear witness.'" (***Hasan***)

إِذْ جَاءَ عُثْمَانُ بْنُ عَفَّانَ عَلَيْهِ مُلَاءَةٌ صَفْرَاءُ قَدْ قَنَّعَ بِهَا رَأْسَهُ، فَقَالَ: أَهٰهُنَا عَلِيٌّ؟ أَهٰهُنَا طَلْحَةُ؟ أَهٰهُنَا الزُّبَيْرُ؟ أَهٰهُنَا سَعْدٌ؟ قَالُوا: نَعَمْ، قَالَ: فَإِنِّي أَنْشُدُكُمْ بِاللّٰهِ الَّذِي لَا إِلٰهَ إِلَّا هُوَ! أَتَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ يَبْتَاعُ مِرْبَدَ بَنِي فُلَانٍ غَفَرَ اللهُ لَهُ». فَابْتَعْتُهُ بِعِشْرِينَ أَلْفًا أَوْ بِخَمْسَةٍ وَعِشْرِينَ أَلْفًا، فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَأَخْبَرْتُهُ، فَقَالَ: «اجْعَلْهَا فِي مَسْجِدِنَا وَأَجْرُهُ لَكَ»؟ قَالُوا: اللّٰهُم نَعَمْ! قَالَ: فَأَنْشُدُكُمْ بِاللّٰهِ الَّذِي لَا إِلٰهَ إِلَّا هُوَ! أَتَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ ابْتَاعَ بِئْرَ رُومَةَ غَفَرَ اللهُ لَهُ» فَابْتَعْتُهُ بِكَذَا وَكَذَا فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَقُلْتُ قَدِ ابْتَعْتُهَا بِكَذَا وَكَذَا، قَالَ: «اجْعَلْهَا سِقَايَةً لِلْمُسْلِمِينَ وَأَجْرُهَا لَكَ»؟ قَالُوا: اللّٰهُمَّ نَعَمْ! قَالَ: فَأَنْشُدُكُمْ بِاللّٰهِ الَّذِي لَا إِلٰهَ إِلَّا هُوَ! أَتَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ نَظَرَ فِي وُجُوهِ الْقَوْمِ فَقَالَ: «مَنْ جَهَّزَ هٰؤُلَاءِ غَفَرَ اللهُ لَهُ» - يَعْنِي جَيْشَ الْعُسْرَةِ - فَجَهَّزْتُهُمْ حَتَّى مَا يَفْقِدُونَ عِقَالًا وَلَا خِطَامًا؟ قَالُوا: اللّٰهُمَّ نَعَمْ! قَالَ: اللّٰهُمَّ اشْهَدْ! اللّٰهُمَّ اشْهَدْ!.

تخريج: [إسناده حسن] تقدم، ح: ٣١٨٤، وهو في الكبرٰى، ح: ٦٤٣٤.

3638. It was narrated that Thumâmah bin Ḥazn Al-Qushairî said: "I was present at the house when 'Uthmân looked out over

٣٦٣٨ - أَخْبَرَنَا زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ عَامِرٍ عَنْ يَحْيَى بْنِ أَبِي

them and said: 'I adjure you by Allâh and by Islam, are you aware that when the Messenger of Allâh ﷺ came to Al-Madînah, and it had no water that was considered sweet (suitable for drinking) except the well of Rûmah, he said: "Who will buy the well of Rûmah and dip his bucket in it alongside the buckets of the Muslims, in return for a better one in Paradise?" and I bought it with my capital and dipped my bucket into it alongside the buckets of the Muslims? Yet today you are preventing me from drinking from it, so that I have to drink salty water.' They said: 'By Allâh, yes.' He said: 'I adjure you by Allâh and by Islam, are you aware that I equipped the army of Al-'Usrah (Tabûk) from my own wealth?' They said: 'By Allâh, yes.' He said: 'I adjure you by Allâh and by Islam, are you aware that when the *Masjid* became too small for the people and the Messenger of Allâh ﷺ said: Who will buy the plot of the family of so and so and add it to the *Masjid*, in return for a better plot in Paradise? I bought it with my capital and added it to the *Masjid*? Yet now you are preventing me from praying two *Rak'ahs* therein.' They said: 'By Allâh, yes.' He said: 'I adjure you by Allâh and by Islam, Are you aware that when the Messenger of Allâh ﷺ was atop Thabîr – the Thabîr in Makkah – and with him were Abû Bakr, 'Umar and myself, the mountain shook, and the Messenger of Allâh ﷺ kicked it with his foot and said: Be still Thabîr, for upon you are a Prophet,

الْحَجَّاجِ، عَنْ سَعِيدٍ الْجُرَيْرِيِّ، عَنْ ثُمَامَةَ بْنِ حَزْنٍ الْقُشَيْرِيِّ قَالَ: شَهِدْتُ الدَّارَ حِينَ أَشْرَفَ عَلَيْهِمْ عُثْمَانُ فَقَالَ: أَنْشُدُكُمْ بِاللَّهِ وَبِالْإِسْلَامِ! هَلْ تَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ قَدِمَ الْمَدِينَةَ وَلَيْسَ بِهَا مَاءٌ يُسْتَعْذَبُ غَيْرَ بِئْرِ رُومَةَ، فَقَالَ: «مَنْ يَشْتَرِي بِئْرَ رُومَةَ فَيَجْعَلُ فِيهَا دَلْوَهُ مَعَ دِلَاءِ الْمُسْلِمِينَ بِخَيْرٍ لَهُ مِنْهَا فِي الْجَنَّةِ». فَاشْتَرَيْتُهَا مِنْ صُلْبِ مَالِي فَجَعَلْتُ دَلْوِي فِيهَا مَعَ دِلَاءِ الْمُسْلِمِينَ، وَأَنْتُمُ الْيَوْمَ تَمْنَعُونِي مِنَ الشُّرْبِ مِنْهَا حَتَّى أَشْرَبَ مِنْ مَاءِ الْبَحْرِ، قَالُوا: اللَّهُمَّ نَعَمْ! قَالَ: فَأَنْشُدُكُمْ بِاللَّهِ وَالْإِسْلَامِ! هَلْ تَعْلَمُونَ أَنِّي جَهَّزْتُ جَيْشَ الْعُسْرَةِ مِنْ مَالِي؟ قَالُوا: اللَّهُمَّ نَعَمْ! قَالَ: فَأَنْشُدُكُمْ بِاللَّهِ وَالْإِسْلَامِ! هَلْ تَعْلَمُونَ أَنَّ الْمَسْجِدَ ضَاقَ بِأَهْلِهِ فَقَالَ رَسُولُ اللهِ ﷺ: «مَنْ يَشْتَرِي بُقْعَةَ آلِ فُلَانٍ فَيَزِيدُهَا فِي الْمَسْجِدِ بِخَيْرٍ لَهُ مِنْهَا فِي الْجَنَّةِ» فَاشْتَرَيْتُهَا مِنْ صُلْبِ مَالِي فَزِدْتُهَا فِي الْمَسْجِدِ، وَأَنْتُمْ تَمْنَعُونِي أَنْ أُصَلِّي فِيهِ رَكْعَتَيْنِ، قَالُوا: اللَّهُمَّ نَعَمْ! قَالَ: فَأَنْشُدُكُمْ بِاللَّهِ وَبِالْإِسْلَامِ! هَلْ تَعْلَمُونَ أَنَّ رَسُولَ اللهِ ﷺ كَانَ عَلَى ثَبِيرِ ثَبِيرِ مَكَّةَ، وَمَعَهُ أَبُو بَكْرٍ وَعُمَرُ وَأَنَا، فَتَحَرَّكَ الْجَبَلُ فَرَكَضَهُ رَسُولُ اللهِ ﷺ بِرِجْلِهِ وقَالَ: «اسْكُنْ ثَبِيرُ، فَإِنَّمَا عَلَيْكَ نَبِيٌّ وصِدِّيقٌ وَشَهِيدَانِ» قَالُوا: اللَّهُمَّ نَعَمْ! قَالَ: اللهُ أَكْبَرُ، شَهِدُوا لِي شَهِدُوا لِي وَرَبِّ الْكَعْبَةِ! - يَعْنِي أَنِّي شَهِيدٌ -.

a Ṣiddîq and two martyrs?' They said: 'By Allâh, yes.' He said: '*Allâhu Akbar*! They have testified for me, they have testified for me, by the Lord of the Ka'bah' – i.e., that I am a martyr.'" (***Hasan***)

تخريج: [حسن] دون قوله ثبير أخرجه الترمذي، المناقب، باب: في مناقب عثمان بن عفان رضي الله عنه (باب: في عد عثمان تسميته شهيدًا وتجهيزه جيش العسرة)، ح:٣٧٠٣ من حديث سعيد بن عامر به، وقال: "حسن"، وهو في الكبرى، ح:٦٤٣٥ * سعيد الجريري اختلط ولحديثه شواهد كثيرة، منها الحديث السابق والآتي.

Comments:

'I am a martyr': While it is absolutely clear that a martyr happens to be tyrannized, and his killers are at least the oppressors. So to say, they themselves are bearing witness that we would tyrannically murder the Caliph of the Muslims.

3639. It was narrated from Abû Salamah bin 'Abdur-Raḥmân that 'Uthmân looked out over them when they besieged him and said: "By Allâh, I adjure a man who heard the Messenger of Allâh ﷺ, on the day when the mountain shook with him, and he kicked it with his foot and said: 'Be still, for there is no one upon you but a Prophet or a *Ṣiddîq* or two martyrs,' and I was with him." Some men responded and affirmed that. Then he said: "By Allâh, I adjure a man who witnessed the Messenger of Allâh ﷺ, on the day of *Bai'at Al-Riḍwân*, say: 'This is the Hand of Allâh and this is the hand of 'Uthmân.'" Some men responded and affirmed that. He said: "By Allâh, I adjure a man who heard the Messenger of Allâh ﷺ say, on the day of the army of Al-'Usrah (i.e., Tabûk): 'Who will spend and it will be accepted?' And I equipped half of the army from

٣٦٣٩ - أَخْبَرَنَا عِمْرَانُ بْنُ بَكَّارِ بْنِ رَاشِدٍ قَالَ: حَدَّثَنَا خَطَّابُ بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنِي أَبِي عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي سَلَمَةَ بنِ عَبْدِ الرَّحْمٰنِ: أَنَّ عُثْمَانَ أَشْرَفَ عَلَيْهِمْ حِينَ حَصَرُوهُ فَقَالَ: أَنْشُدُ بِاللّٰهِ! رَجُلًا سَمِعَ مِنْ رَسُولِ اللهِ ﷺ يَقُولُ يَوْمَ الْجَبَلِ حِينَ اهْتَزَّ فَرَكَلَهُ بِرِجْلِهِ وَقَالَ: «اسْكُنْ فَإِنَّهُ لَيْسَ عَلَيْكَ إِلَّا نَبِيٌّ أَوْ صِدِّيقٌ أَوْ شَهِيدَانِ» وَأَنَا مَعَهُ، فَانْتَشَدَ لَهُ رِجَالٌ، ثُمَّ قَالَ: أَنْشُدُ بِاللّٰهِ! رَجُلًا شَهِدَ رَسُولَ اللهِ ﷺ يَوْمَ بَيْعَةِ الرِّضْوَانِ يَقُولُ: «هٰذِهِ يَدُ اللهِ وَهٰذِهِ يَدُ عُثْمَانَ». فَانْتَشَدَ لَهُ رِجَالٌ، ثُمَّ قَالَ: أَنْشُدُ بِاللّٰهِ! رَجُلًا سَمِعَ رَسُولَ اللهِ ﷺ يَوْمَ جَيْشِ الْعُسْرَةِ يَقُولُ: «مَنْ يُنْفِقُ نَفَقَةً مُتَقَبَّلَةً؟» فَجَهَّزْتُ نِصْفَ الْجَيْشِ مِنْ مَالِي، فَانْتَشَدَ لَهُ رِجَالٌ، ثُمَّ قَالَ: أَنْشُدُ بِاللّٰهِ! رَجُلًا سَمِعَ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ يَزِيدُ فِي هٰذَا الْمَسْجِدِ بِبَيْتٍ فِي

my own wealth." Some men responded and affirmed that. Then he said: "By Allâh, I adjure a man who heard the Messenger of Allâh ﷺ say: 'Who will add to this *Masjid* in return for a house in Paradise,' and I bought it with my own wealth." Some men responded and affirmed that. Then he said: "By Allâh, I adjure a man who witness Rûmah being sold, and I bought it from my own wealth and allowed wayfarers to use it." Some men responded and affirmed that. (***Hasan***)

الْجَنَّةِ؟» فَاشْتَرَيْتُهُ مِنْ مَالِي، فَانْتَشَدَ لَهُ رِجَالٌ، ثُمَّ قَالَ: أَنْشُدُ بِاللّٰهِ! رَجُلًا شَهِدَ رُومَةَ تُبَاعُ، فَاشْتَرَيْتُهَا مِنْ مَالِي فَأَبَحْتُهَا لِابْنِ السَّبِيلِ، فَانْتَشَدَ لَهُ رِجَالٌ.

تخريج: [حسن] أخرجه أحمد: ١/٥٩ من حديث يونس بن أبي إسحاق به، وهو في الكبرٰى، ح: ٦٤٣٦ * أبو إسحاق عنعن، ولحديثه شواهد.

Comments:

1. The purpose of 'Uthman ﷺ in presenting these witnesses was not to take pride in self, ostentation, or to seek fame. On the contrary, at that moment, he wanted to prove that he was on the right, and the rebels were on the wrong. Allâh's Messenger's ﷺ commands concerning this are very clear and explicit.
2. The Prophet's ﷺ striking the mount with his foot and addressing it, is his Prophetic rank.
3. '*Bait ar-Ridwân*': The Pledge of (Allâh's) Goodly Acceptance; as a result of it, those who pledged gained the pleasure of Allâh, Most High, and its formal announcement was made in the Glorious Qur'ân. This incident took place during the Truce of Hudaybiyyah, on account of a rumor that 'Uthman had been martyred, which reached the Muslim camp (at Hudaybiyyah).
4. This is Allâh's Hand and this is 'Uthman's, because 'Uthman was not present on the occasion, and Allâh's Messenger ﷺ had certitude that he was alive. That is why Allâh's Messenger ﷺ stated, placing his one hand upon the other. This pledge is on behalf of 'Uthman. He affirmed his one hand as the hand of Uthman and his other as the Hand of Allâh, because the Pledge was being sworn under the Command of Allâh, Most High. It occurs in the Glorious Qur'ân too: "Behold, all who pledge their allegiance to you, pledge their allegiance to Allâh, the Hand of Allâh is over their hands." (48: 10) The sublime exaltedness of 'Uthman ﷺ and of the Prophet ﷺ himself is well-displayed in this *Ayah* of the Qur'ân.
5. 'Half the army': So to speak, he had a considerable share in the preparation or the equipment of this army.

3640. It was narrated that 'Abdur-Rahmân Al-Sulamî said: "When 'Uthmân was besieged in his house, the people gathered around his house and he looked out over them" and he quoted the same *Hadîth*. (*Sahîh*)

٣٦٤٠ - أَخْبَرَنِي مُحَمَّدُ بْنُ وَهْبٍ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنِي أَبُو عَبْدِ الرَّحِيمِ قَالَ: حَدَّثَنِي زَيْدُ بْنُ أَبِي أُنَيْسَةَ عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي عَبْدِ الرَّحْمٰنِ السُّلَمِيِّ قَالَ: لَمَّا حُصِرَ عُثْمَانُ فِي دَارِهِ اجْتَمَعَ النَّاسُ حَوْلَ دَارِهِ، قَالَ: فَأَشْرَفَ عَلَيْهِمْ، وَسَاقَ الْحَدِيثَ.

تخريج: [صحيح] أخرجه الترمذي، المناقب، باب: في مناقب عثمان بن عفان رضي الله عنه، ح:٣٦٩٩ من حديث زيد به، وقال: "حسن صحيح غريب"، والبخاري، الوصايا، باب: إذا وقف أرضًا أو بئرًا أو اشترى لنفسه مثل دلاء المسلمين، ح:٢٧٧٨ من حديث شعبة عن أبي إسحاق به مطولاً، وهو في الكبرٰى، ح:٦٤٣٧.

30. The Book Of Wills

(المعجم ٣٠) - كِتَابُ الوَصَايَا

(التحفة ١٣)

Comments:

A bequest (*Wasiyyah*) or will signifies matters to come into operation, concerning his wealth and children after the testator's death. A bequest in a third of one's wealth shall be carried out. More than this depends upon the consent of the heirs. Action upon a bequest concerning children also depends upon the consent of the relevant individuals. A property or estate bequest cannot be made in favor of any heir; meaning an heir's share may neither decrease nor increase on account of the bequest.

Chapter 1. It is Disliked To Delay Making A Will

(المعجم ١) - الكَرَاهِيَةُ فِي تَأْخِيرِ الوَصِيَّةِ (التحفة ١)

3641. It was narrated that Abû Hurairah said: "A man came to the Prophet ﷺ and said: 'O Messenger of Allâh, what kind of charity brings the greatest reward?' He said: 'To give in charity when you are healthy and feeling miserly, and fearing poverty and hoping for a long life. Do not wait until the (death rattle) reaches the throat and then say: "This is for so and so," and it nearly became the property of so and so (the heirs).'" (*Ṣaḥîḥ*)

٣٦٤١ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنْ عُمَارَةَ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! أَيُّ الصَّدَقَةِ أَعْظَمُ أَجْرًا؟ قَالَ: «أَنْ تَصَدَّقَ وَأَنْتَ صَحِيحٌ شَحِيحٌ تَخْشَى الْفَقْرَ وَتَأْمُلُ الْبَقَاءَ، وَلَا تُمْهِلْ حَتَّى إِذَا بَلَغَتِ الْحُلْقُومَ قُلْتَ: لِفُلَانٍ كَذَا وَقَدْ كَانَ لِفُلَانٍ».

تخريج: [صحيح] تقدم، ح:٢٥٤٣، وهو في الكبرٰى، ح:٦٤٣٨ .

Comments:

1. The best charity is that you give when you yourself are in need of it, because this sort of charity affords conclusive evidence to one's sincerity of intention. If one gives charity at a time when one is not in need of it, or when there is no hope of one's surviving, then such a charity is the charity given out of superfluous wealth, which is of no value or consequence.
2. The signification of this *Ḥadîth* in this chapter is that one should make it a constant practice to give charity, which would not necessitate the bequeathing. Moreover, delay would also not intervene.
3. "Became the property of so and so. No sooner do you die than your heirs would become the owner of your wealth, and it would be under their jurisdiction, or at their disposal. In other words, it is no longer yours!

3642. It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'For whom among you is the wealth of his heirs dearer to him than his own wealth?' They said: 'O Messenger of Allâh, there is no one among us for whom his own wealth is not dearer to him than the wealth of his heirs.' The Messenger of Allâh ﷺ said: 'Know that there is no one among you for whom the wealth of his heirs is not dearer than his own wealth. Your wealth is that which you have sent on ahead, and the wealth of your heirs is that which you have kept.'" (*Ṣaḥîḥ*)

٣٦٤٢ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنْ أَبِي مُعَاوِيَةَ، عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ التَّيْمِيِّ، عَنِ الحَارِثِ بْنِ سُوَيْدٍ، عَنْ عَبْدِ اللهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «أَيُّكُمْ مَالُ وَارِثِهِ أَحَبُّ إِلَيْهِ مِنْ مَالِهِ؟» قَالُوا: يَا رَسُولَ اللهِ! مَا مِنَّا مِنْ أَحَدٍ إِلَّا مَالُهُ أَحَبُّ إِلَيْهِ مِنْ مَالِ وَارِثِهِ، قَالَ رَسُولُ اللهِ ﷺ: «اعْلَمُوا أَنَّهُ لَيْسَ مِنْكُمْ مِنْ أَحَدٍ إِلَّا مَالُ وَارِثِهِ أَحَبُّ إِلَيْهِ مِنْ مَالِهِ، مَالُكَ مَا قَدَّمْتَ، وَمَالُ وَارِثِكَ مَا أَخَّرْتَ».

تخريج: أخرجه البخاري، الرقاق، باب ما قدم من ماله فهو له، ح:٦٤٤٢ من حديث الأعمش به، وهو في الكبرى، ح:٦٤٣٩.

3643. It was narrated from Muṭarrif, from his father, that the Prophet ﷺ said: "The mutual rivalry (for piling up of worldly things) diverts you, 'Until you visit the graves (i.e. till you die).'[1] The son of Âdam says: 'My wealth, my wealth,' but your wealth is what you eat and consume, or what you wear and it wears out, or what you give in charity and send on ahead (for the Hereafter).'" (*Ṣaḥîḥ*)

٣٦٤٣ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ مُطَرِّفٍ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ ﷺ قَالَ: «﴿أَلْهَىٰكُمُ ٱلتَّكَاثُرُ ۝ حَتَّىٰ زُرْتُمُ ٱلْمَقَابِرَ ۝﴾ [التكاثر: ١-٢] قَالَ: يَقُولُ ابْنُ آدَمَ: مَالِي مَالِي، وَإِنَّمَا مَالُكَ مَا أَكَلْتَ فَأَفْنَيْتَ، أَوْ لَبِسْتَ فَأَبْلَيْتَ، أَوْ تَصَدَّقْتَ فَأَمْضَيْتَ».

تخريج: أخرجه مسلم، الزهد، باب: "الدنيا سجن للمؤمن وجنة للكافر" ح:٢٩٥٨ من حديث شعبة به، وهو في الكبرى، ح:٦٤٤٠.

3644. Abû Ḥabîbah Aṭ-Ṭâ'î said: "A man made a will leaving some *Dînârs* (to be spent) in the cause of Allâh. Abû Ad-Dardâ' was asked

٣٦٤٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ أَبَا إِسْحَاقَ: سَمِعَ أَبَا حَبِيبَةَ الطَّائِيَّ قَالَ:

[1] *At-Takâthur* 102:1-2.

about that, and he narrated that the Prophet ﷺ said: 'The likeness of the one who frees a slave or gives some charity when he is dying, is that of a man who gives a gift after he has eaten his fill.'" (*Ḥasan*)

أَوْصَى رَجُلٌ بِدَنَانِيرَ فِي سَبِيلِ اللهِ، فَسُئِلَ أَبُو الدَّرْدَاءِ، فَحَدَّثَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَثَلُ الَّذِي يُعْتِقُ أَوْ يَتَصَدَّقُ عِنْدَ مَوْتِهِ مَثَلُ الَّذِي يُهْدِي بَعْدَ مَا يَشْبَعُ».

تخريج: [إسناده حسن] أخرجه أبو داود، العتق، باب: في فضل العتق في الصحة، ح:٣٩٦٨، والترمذي، ح:٢١٢٣ من حديث أبي إسحاق به، وهو في الكبرى، ح:٦٤٤١، وقال الترمذي: "حسن صحيح"، وصححه ابن حبان، ح:١٢١٩، والحاكم: ٢/ ٢١٣، ووافقه الذهبي، وحسنه الحافظ في الفتح: ٥/ ٣٧٤ ❊ أبو حبيبة حسن الحديث على الراجح.

Comments:

The purpose is that the charity given at the time of one's death is lesser from the dimension of recompense than that which is given in the state of good health. It does not mean it has absolutely no benefit or reward, because righteousness is always beneficial.

3645. It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'It is not befitting for a Muslim who has anything concerning which a will should be made, to abide for two nights without having a written will with him.'" (*Ṣaḥîḥ*)

٣٦٤٥ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا الْفُضَيْلُ عَنْ عُبَيْدِ اللهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَا حَقُّ امْرِئٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصَى فِيهِ أَنْ يَبِيتَ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ».

تخريج: أخرجه مسلم، الوصية، باب: وصية الرجل مكتوبة عنده، ح:١٦٢٧/ ١ من حديث عبيدالله بن عمر به، وهو في الكبرى، ح:٦٤٤٢، وأصله متفق عليه (انظر الحديث الآتي) ❊ الفضيل هو ابن عياض اليربوعي.

Comments:

This is because life has no certainty. Death could strike at any moment. Therefore, the required bequest should be made soon. Moreover, one should also appoint witnesses upon the bequest so that dispute might not surface later on. The bequest ought to be made in writing in order to avoid any future disagreement. From the mention of two nights, one realizes that a night's delay is admissible. And Allâh knows best! The mention of two might possibly have been incidental; as in some upcoming narrations, there is mention of three also. So to say, a night's delay is also not permissible without need.

3646. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "It is not befitting for a Muslim who has anything concerning which

٣٦٤٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَا حَقُّ

a will should be made, to abide for two nights without having a written will with him." (*Ṣaḥîḥ*)

امْرِىءٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصَى فِيهِ يَبِيتُ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ»

تخريج: أخرجه البخاري، الوصايا، باب الوصايا، ح:٢٧٣٨ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٧٦١، والكبرٰى، ح:٦٤٤٣.

3647. (The same) was narrated from Ibn 'Awn, from Nâfi', from Ibn 'Umar. (*Ṣaḥîḥ*)

٣٦٤٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمِ بْنِ نُعَيْمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنِ ابْنِ عَوْنٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَوْلَهُ.

تخريج: [**إسناده صحيح موقوف**] وهو في الكبرٰى، ح:٦٤٤٤.

3648. It was narrated from 'Abdullâh bin 'Umar that the Prophet ﷺ said: "It is not befitting for a Muslim to abide for three nights without having his will with him." 'Abdullâh bin 'Umar said: "Since I heard this from the Messenger of Allâh ﷺ, I have always had my will with me." (*Ṣaḥîḥ*)

٣٦٤٨ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: فَإِنَّ سَالِمًا أَخْبَرَنِي عَنْ عَبْدِ اللهِ بْنِ عُمَرَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَا حَقُّ امْرِىءٍ مُسْلِمٍ تَمُرُّ عَلَيْهِ ثَلَاثُ لَيَالٍ إِلَّا وَعِنْدَهُ وَصِيَّتُهُ». قَالَ عَبْدُ اللهِ بْنُ عُمَرَ: مَا مَرَّتْ عَلَيَّ مُنْذُ سَمِعْتُ رَسُولَ اللهِ ﷺ قَالَ ذٰلِكَ إِلَّا وَعِنْدِي وَصِيَّتِي.

تخريج: أخرجه مسلم، ح:١٦٢٧/ ٤ (انظر الحديث المتقدم: ٣٦٤٥) من حديث ابن وهب به، وهو في الكبرٰى، ح:٦٤٤٥.

3649. It was narrated from Sâlim bin 'Abdullâh, from his father, that the Messenger of Allâh ﷺ said: "It is not right for a Muslim who has anything concerning which a will should be made, to abide for more than three nights without having a written will with him." (*Ṣaḥîḥ*)

٣٦٤٩ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنِ الْوَزِيرِ بْنِ سُلَيْمَانَ قَالَ: سَمِعْتُ ابْنَ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ وَعَمْرُو بْنُ الْحَارِثِ عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللهِ، عَنْ أَبِيهِ، عَنْ رَسُولِ اللهِ ﷺ قَالَ: «مَا حَقُّ امْرِىءٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصَى فِيهِ فَيَبِيتُ ثَلَاثَ لَيَالٍ إِلَّا وَوَصِيَّتُهُ عِنْدَهُ مَكْتُوبَةٌ».

تخريج: أخرجه مسلم، ح:١٦٢٧/ ٤ من حديث ابن وهب به (انظر الحديث السابق)، وهو في الكبرٰى، ح:٦٤٤٦.

Chapter 2. Did The Prophet ﷺ Make A Will?

(المعجم ٢) - هَلْ أَوْصَى النَّبِيُّ ﷺ ؟ (التحفة ٢)

3650. Ṭalḥa said: "I asked Ibn Abî Awfa: 'Did the Messenger of Allâh ﷺ leave a will?' He said: 'No.' I said: 'How come it is prescribed for the Muslims to make wills?' He said: 'He left instructions urging the Muslims to adhere to the Book of Allâh.'" (*Ṣaḥîḥ*)

٣٦٥٠ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ قَالَ: حَدَّثَنَا مَالِكُ بْنُ مِغْوَلٍ قَالَ: حَدَّثَنَا طَلْحَةُ قَالَ: سَأَلْتُ ابْنَ أَبِي أَوْفَى: أَوْصَى رَسُولُ اللهِ ﷺ؟ قَالَ: لَا، قُلْتُ: كَيْفَ كُتِبَ عَلَى الْمُسْلِمِينَ الْوَصِيَّةُ؟ قَالَ: أَوْصَى بِكِتَابِ اللَّهِ.

تخريج: أخرجه البخاري، الوصايا، باب الوصايا، ح:٢٧٤٠، ومسلم، الوصية، باب ترك الوصية لمن ليس له شيء يوصي فيه، ح:١٦٣٤ من حديث مالك بن مغول به، وهو في الكبرٰى، ح:٦٤٤٧.

Comments:

'No': That means he did not make any bequest for wealth.

3651. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ did not leave behind a *Dînâr* or a *Dirham*, or a sheep or a camel, and he did not leave any will." (*Ṣaḥîḥ*)

٣٦٥١ - أَخْبَرَنَا مُحَمَّدُ بْنُ رَافِعٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ قَالَ: حَدَّثَنَا مُفَضَّلٌ عَنِ الْأَعْمَشِ؛ ح وَأَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ وَأَحْمَدُ بْنُ حَرْبٍ قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: مَا تَرَكَ رَسُولُ اللهِ ﷺ دِينَارًا وَلَا دِرْهَمًا وَلَا شَاةً وَلَا بَعِيرًا، وَلَا أَوْصَى بِشَيْءٍ.

تخريج: أخرجه مسلم، ح:١٦٣٥ (انظر الحديث السابق) من حديث أبي معاوية به، وهو في الكبرٰى، ح:٦٤٤٨ * المفضل هو ابن مهلهل.

Comments:

(See *Ḥadîth* 3624)

3652. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ did not leave behind a *Dirham* or a *Dînâr*, or a sheep or a camel, and he did not leave any will." (*Ṣaḥîḥ*)

٣٦٥٢ - أَخْبَرَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا مُصْعَبٌ: حَدَّثَنَا دَاوُدُ عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: مَا تَرَكَ رَسُولُ اللهِ ﷺ دِرْهَمًا وَلَا دِينَارًا وَلَا شَاةً وَلَا بَعِيرًا، وَمَا أَوْصَى.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٤٤٩ * مصعب هو ابن المقدام، وداود هو ابن نصير الطائي.

3653. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ did not leave behind a *Dirham* or a *Dînâr*, or a sheep or a camel, and he did not leave any will." Ja'far[1] did not mention "*Dînâr* or *Dirham*." (*Ṣaḥîḥ*)

٣٦٥٣ - أَخْبَرَنَا جَعْفَرُ بْنُ مُحَمَّدِ بْنِ الْهُذَيْلِ وَأَحْمَدُ بْنُ يُوسُفَ قَالَا: حَدَّثَنَا عَاصِمُ بْنُ يُوسُفَ قَالَ: حَدَّثَنَا حَسَنُ بْنُ عَيَّاشٍ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: مَا تَرَكَ رَسُولُ اللهِ ﷺ دِرْهَمًا وَلَا دِينَارًا وَلَا شَاةً وَلَا بَعِيرًا، وَلَا أَوْصَى. لَمْ يَذْكُرْ جَعْفَرٌ دِينَارًا وَلَا دِرْهَمًا.

تخريج: [صحيح] وهو في الكبرٰى، ح:٦٤٥٠، وله شواهد، منها الأحاديث السابقة.

3654. It was narrated that 'Âishah said: "They say that the Messenger of Allâh ﷺ made a will concerning 'Alî, may Allâh be pleased with him. But he called for a vessel in which to urinate, then he ﷺ went limp without me realizing it. So to whom did he leave a will?" (*Ṣaḥîḥ*)

٣٦٥٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا أَزْهَرُ قَالَ: أَنْبَأَنَا ابْنُ عَوْنٍ عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: يَقُولُونَ: إِنَّ رَسُولَ اللهِ ﷺ أَوْصَى إِلَى عَلِيٍّ رَضِيَ اللهُ عَنْهُ، لَقَدْ دَعَا بِالطَّسْتِ يَبُولُ فِيهَا، فَانْخَنَثَتْ نَفْسُهُ ﷺ وَمَا أَشْعُرُ، فَإِلَى مَنْ أَوْصَى.

تخريج: [صحيح] تقدم، ح:٣٣، وهو في الكبرٰى، ح:٦٤٥١.

3655. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ died when no one was with him except me." She said: "And he called for a vessel." (*Ṣaḥîḥ*)

٣٦٥٥ - أَخْبَرَنِي أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا عَارِمٌ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنِ ابْنِ عَوْنٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: تُوُفِّيَ رَسُولُ اللهِ ﷺ وَلَيْسَ عِنْدَه أَحَدٌ غَيْرِي، قَالَتْ: وَدَعَا بِالطَّسْتِ.

تخريج: [صحيح] تقدم، ح:٣٣، وهو في الكبرٰى، ح:٦٤٥٢.

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[1] Meaning one of the two from whom the author heard the narration.

Chapter 3. Bequeathing One-Third

(المعجم ٣) - بَابُ الوَصِيَّةِ بِالثُّلُثِ

(التحفة ٣)

3656. It was narrated from 'Âmir bin Sa'd that his father said: "I became ill with a sickness from which I later recovered. The Messenger of Allâh ﷺ came to visit me, and I said: 'O Messenger of Allâh, I have a great deal of wealth and I have no heir except my daughter. Shall I give two-thirds of my wealth in charity?' He said: 'No.' I said: 'Half?' He said: 'No.' I said: 'One-third?' He said: '(Give) one-third, and one-third is a lot. It is better to leave your heirs independent of means, than to leave them poor and holding out their hands to people.'" (*Ṣaḥîḥ*)

٣٦٥٦ - أَخْبَرَنِي عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: مَرِضْتُ مَرَضًا أَشْفَيْتُ مِنْهُ، فَأَتَانِي رَسُولُ اللهِ ﷺ يَعُودُنِي، فَقُلْتُ: يَا رَسُولَ اللهِ! إِنَّ لِي مَالًا كَثِيرًا، وَلَيْسَ يَرِثُنِي إِلَّا بِنْتِي، أَفَأَتَصَدَّقُ بِثُلُثَيْ مَالِي؟ قَالَ: «لَا» قُلْتُ: فَالشَّطْرَ؟ قَالَ: «لَا» قُلْتُ: فَالثُّلُثَ؟ قَالَ: «الثُّلُثَ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَتْرُكَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ لَهُمْ مِنْ أَنْ تَتْرُكَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ».

تخريج: أخرجه البخاري، الفرائض، باب ميراث البنات، ح:٦٧٣٣، ومسلم، الوصية، باب الوصية بالثلث، ح:١٦٢٨ من حديث سفيان بن عيينة به، وهو في الكبرٰى، ح:٦٤٥٣ .

Comments:

1. This Makkan incident belongs to the period of the Conquest of Makkah.
2. 'Except my daughter', which means from among my offspring.
3. 'Though one-third is also too much': From this (phrasing) some venerable individuals have deduced that the bequest should be made only for less than one-third. Some others understand it to mean that 'one-third is much' so to say, a bequest could be made in one-third of the wealth.

3657. It was narrated that Sa'd said: "The Prophet ﷺ came to visit me when I was in Makkah. I said: 'O Messenger of Allâh, shall I bequeath all my money?' He said: 'No.' I said: 'One half?' He said: 'No.' I said: 'One-third?' He said: '(Bequeath) one-third, and one-third is a lot. If you leave your heirs independent of means, that is better than if you leave them poor and holding out

٣٦٥٧ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ وَأَحْمَدُ ابْنُ سُلَيْمَانَ وَاللَّفْظُ لِأَحْمَدَ قَالَا: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ سَعْدٍ قَالَ: جَاءَنِي النَّبِيُّ ﷺ يَعُودُنِي وَأَنَا بِمَكَّةَ، قُلْتُ: يَا رَسُولَ اللهِ! أُوصِي بِمَالِي كُلِّهِ؟ قَالَ: «لَا» قُلْتُ: فَالشَّطْرَ؟ قَالَ: «لَا» قُلْتُ: فَالثُّلُثَ؟

their hands to people.'" (*Ṣaḥîḥ*)

قَالَ: «الثُّلُثَ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَدَعَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدَعَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ، يَتَكَفَّفُونَ فِي أَيْدِيهِمْ».

تخريج: أخرجه البخاري، الوصايا، باب: أن يترك ورثته أغنياء خير من أن يتكففوا الناس، ح:٢٧٤٢ عن أبي نعيم، ومسلم، الوصية، باب الوصية بالثلث، ح:١٦٢٨ من حديث سفيان بن عيينة به، وهو في الكبرى، ح:٦٤٥٤.

3658. It was narrated from 'Âmir bin Sa'd that his father said: "The Prophet ﷺ used to visit him when he was in Makkah, and he did not want to die in the land from which he had emigrated. The Prophet ﷺ said: 'May Allâh have mercy on Sa'd bin 'Afrâ'.' He had only one daughter, and he said: 'O Messenger of Allâh, shall I bequeath all my wealth?' He said: 'No.' I said: 'Half?' He said: 'No.' I said: 'One-third?' He said: 'One-third, and one-third is a lot. For you to leave your heirs independent of means is better than if you were to leave them poor, holding out their hands to people.'" (*Ṣaḥîḥ*)

٣٦٥٨ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: كَانَ النَّبِيُّ ﷺ يَعُودُهُ وَهُوَ بِمَكَّةَ، وَهُوَ يَكْرَهُ أَنْ يَمُوتَ بِالْأَرْضِ الَّذِي هَاجَرَ مِنْهَا، قَالَ النَّبِيُّ ﷺ: «رَحِمَ اللهُ سَعْدَ بْنَ عَفْرَاءَ أَوْ يَرْحَمُ اللهُ سَعْدَ بْنَ عَفْرَاءَ» وَلَمْ يَكُنْ لَهُ إِلَّا ابْنَةٌ وَاحِدَةٌ، قَالَ: يَا رَسُولَ اللهِ! أُوصِي بِمَالِي كُلِّهِ؟ قَالَ: «لَا» قُلْتُ: النِّصْفَ؟ قَالَ: «لَا» قُلْتُ: فَالثُّلُثَ؟ قَالَ: «الثُّلُثَ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَدَعَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدَعَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ مَا فِي أَيْدِيهِمْ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٦٤٥٥.

3659. One from the family of Sa'd narrated: "Sa'd fell sick and the Messenger of Allâh ﷺ entered upon him and he said: 'O Messenger of Allâh, shall I bequeath all my money?' He said: 'No.'" And he quoted the same *Ḥadîth*. (*Ṣaḥîḥ*)

٣٦٥٩ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا مِسْعَرٌ عَنْ سَعْدِ ابْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنِي بَعْضُ آلِ سَعْدٍ قَالَ: مَرِضَ سَعْدٌ، فَدَخَلَ رَسُولُ اللهِ ﷺ، فَقَالَ: يَا رَسُولَ اللهِ! أُوصِي بِمَالِي كُلِّهِ؟ قَالَ: «لَا» وَسَاقَ الْحَدِيثَ.

تخريج: [صحيح] أخرجه أحمد: ١/١٧٢ من حديث مسعر به، وهو في الكبرى، ح:٦٤٥٦، وانظر الحديث السابق.

3660. 'Âmir bin Sa'd (narrated) from his father that he fell sick in Makkah and the Messenger of Allâh ﷺ came to him. When Sa'd saw him, he wept and said: "O Messenger of Allâh, am I to die in the land from which I emigrated?" He said: "No, if Allâh wills." He said: "O Messenger of Allâh ﷺ, shall I bequeath all of my wealth in the cause of Allâh?" He said: "No." He said: "Two-thirds?" He said: "No." He said: "Half of it?" He said: "No." He said: "One-third of it?" The Messenger of Allâh ﷺ said: "One-third, and one-third is a lot. If you leave your sons independent of means that is better than if you leave them poor, holding out their hands to people." (*Sahîh*)

٣٦٦٠ - أَخْبَرَنَا الْعَبَّاسُ بْنُ عَبْدِ الْعَظِيمِ الْعَنْبَرِيُّ قَالَ: حَدَّثَنَا عَبْدُ الْكَبِيرِ بْنُ عَبْدِ الْمَجِيدِ قَالَ: حَدَّثَنَا بُكَيْرُ بْنُ مِسْمَارٍ قَالَ: سَمِعْتُ عَامِرَ بْنَ سَعْدٍ عَنْ أَبِيهِ: أَنَّهُ اشْتَكَى بِمَكَّةَ فَجَاءَهُ رَسُولُ اللهِ ﷺ، فَلَمَّا رَآهُ سَعْدٌ بَكَى وَقَالَ: يَا رَسُولَ اللهِ! أَمُوتُ بِالْأَرْضِ الَّتِي هَاجَرْتُ مِنْهَا؟ قَالَ: «لَا إِنْ شَاءَ اللَّهُ» وَقَالَ: يَا رَسُولَ اللهِ! أُوصِي بِمَالِي كُلِّهِ فِي سَبِيلِ اللَّهِ؟ قَالَ: «لَا» قَالَ: يَعْنِي بِثُلُثَيْهِ؟ قَالَ: «لَا» قَالَ: فَنِصْفَهُ؟ قَالَ: «لَا» قَالَ: فَثُلُثَهُ؟ قَالَ رَسُولُ اللهِ ﷺ: «الثُّلُثَ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَتْرُكَ بَنِيكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَتْرُكَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ».

تخريج: [إسناده صحيح] وهو في الكبرى، ح:٦٤٥٧، وأصله متفق عليه كما تقدم، ح:٣٦٥٧.

3661. It was narrated that Sa'd bin Abî Waqqâș said: "The Messenger of Allâh ﷺ visited me when I was sick, and said: 'Have you made a will?' I said: 'Yes.' He said: 'How much?' I said: 'For all of my wealth to be given in the cause of Allâh.' He said: 'What have you left for your children?' I said: 'They are rich (independent of means).' He said: 'Bequeath one-tenth.' And we kept discussing it until he said: 'Bequeath one-third, and one-third is much or large.'" (*Hasan*)

٣٦٦١ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ أَبِي عَبْدِ الرَّحْمٰنِ، عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ قَالَ: عَادَنِي رَسُولُ اللهِ ﷺ فِي مَرَضِي، فَقَالَ: «أَوْصَيْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «بِكَمْ؟» قُلْتُ: بِمَالِي كُلِّهِ فِي سَبِيلِ اللهِ، قَالَ: «فَمَا تَرَكْتَ لِوَلَدِكَ؟» قُلْتُ: هُمْ أَغْنِيَاءُ، قَالَ: «أَوْصِ بِالْعُشْرِ» فَمَا زَالَ يَقُولُ وَأَقُولُ حَتَّى قَالَ: «أَوْصِ بِالثُّلُثِ، وَالثُّلُثُ كَثِيرٌ أَوْ كَبِيرٌ».

تخريج: [حسن] أخرجه الترمذي، الجنائز، باب ماجاء في الوصية بالثلث والربع، ح:٩٧٥ من حديث جرير بن عبدالحميد به، وقال: "حسن صحيح" * وجرير: تابعه زائدة بن قدامة (أحمد: ١/ ١٧٤)، وأبو الأحوص، (الطيالسي)، وخالد بن عبدالله (سنن سعيد بن منصور)، وجعفر ابن زياد، وأبو إسحاق الفزاري، وهو في الكبرى، ح:٦٤٥٨ .

3662. It was narrated from Sa'd that the Prophet ﷺ visited him when he was sick, and he said: "O Messenger of Allâh, shall I bequeath all of my wealth?" He said: "No." He said: "Half?" He said: "No." He said: "One-third?" He said: "One-third, and one-third is a much or large." (*Ṣaḥîḥ*)

٣٦٦٢ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ، عَنْ سَعْدٍ: أَنَّ النَّبِيَّ ﷺ عَادَهُ فِي مَرَضِهِ، فَقَالَ: يَا رَسُولَ اللهِ! أُوصِي بِمَالِي كُلِّهِ؟ قَالَ: «لَا» قَالَ: فَالشَّطْرَ؟ قَالَ: «لَا» قَالَ: فَالثُّلُثَ؟ قَالَ: «الثُّلُثَ، وَالثُّلُثُ كَثِيرٌ أَوْ كَبِيرٌ».

تخريج: [إسناده صحيح] أخرجه أحمد: ١/ ١٧٢ عن وكيع به، وهو في الكبرى، ح: ٦٤٥٩.

3663. It was narrated from 'Âishah that the Messenger of Allâh ﷺ came to visit Sa'd (when he was sick). Sa'd said to him: "O Messenger of Allâh, shall I bequeath two-thirds of my wealth?" He said: "No." He said: "Shall I bequeath half?" He said: "No." He said: "Shall I bequeath one-third?" He said: "Yes, one-third, and one-third is much or large. If you leave your heirs independent of means that is better than if you leave them poor, holding out their hands." (*Ḥasan*)

٣٦٦٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْوَلِيدِ الْفَحَّامُ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ رَبِيعَةَ قَالَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللهِ ﷺ أَتَى سَعْدًا يَعُودُهُ، فَقَالَ لَهُ سَعْدٌ: يَا رَسُولَ اللهِ! أُوصِي بِثُلُثَيْ مَالِي؟ قَالَ: «لَا» قَالَ: فَأُوصِي بِالنِّصْفِ؟ قَالَ: «لَا» قَالَ: فَأُوصِي بِالثُّلُثِ؟ قَالَ: «نَعَمْ الثُّلُثَ، وَالثُّلُثُ كَثِيرٌ أَوْ كَبِيرٌ، إِنَّكَ أَنْ تَدَعَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدَعَهُمْ فُقَرَاءَ يَتَكَفَّفُونَ».

تخريج: [إسناده حسن] وهو في الكبرى، ح: ٦٤٦٠.

3664. It was narrated that Ibn 'Abbâs said: "If the people were to reduce (their bequests) to one-quarter (of their wealth, that would be better), because the Messenger of Allâh ﷺ said: 'One-third, and one-third is much or large.'" (*Ṣaḥîḥ*)

٣٦٦٤ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَوْ غَضَّ النَّاسُ إِلَى الرُّبُعِ، لِأَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الثُّلُثَ، وَالثُّلُثُ كَثِيرٌ أَوْ كَبِيرٌ».

تخريج: أخرجه البخاري، الوصايا، باب الوصية بالثلث، ح: ٢٧٤٣ عن قتيبة، ومسلم، الوصية، باب الوصية بالثلث، ح: ١٦٢٩ من حديث هشام به، وهو في الكبرى، ح: ٦٤٦١.

3665. It was narrated from Muḥammad bin Sa'd, from his father Sa'd bin Mâlik, that the Prophet ﷺ came to him when he was sick and he said: "I do not have any children apart from one daughter. Shall I bequeath all my wealth?" The Prophet ﷺ said: "No." He said: "Shall I bequeath half of it?" The Prophet ﷺ said: "No." He said: "Shall I bequeath one-third of it?" He said: "One-third, and one-third is much or large." (*Ṣaḥîḥ*)

٣٦٦٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا حَجَّاجُ بْنُ الْمِنْهَالِ قَالَ: حَدَّثَنَا هَمَّامٌ عَنْ قَتَادَةَ، عَنْ يُونُسَ بْنِ جُبَيْرٍ، عَنْ مُحَمَّدِ ابْنِ سَعْدٍ، عَنْ أَبِيهِ سَعْدِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ جَاءَهُ وَهُوَ مَرِيضٌ، فَقَالَ: إِنَّهُ لَيْسَ لِي وَلَدٌ إِلَّا ابْنَةٌ وَاحِدَةٌ، فَأُوصِي بِمَالِي كُلِّهِ؟ قَالَ النَّبِيُّ ﷺ: «لَا» قَالَ: فَأُوصِي بِنِصْفِهِ؟ قَالَ النَّبِيُّ ﷺ: «لَا» قَالَ: فَأُوصِي بِثُلُثِهِ؟ قَالَ: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ».

تخريج: [صحيح] أخرجه الدارمي: ٢/ ٤٠٧، ح: ٣١٩٨ من حديث همام بن يحيى به، وهو في الكبرى، ح: ٦٤٦٢ وللحديث شواهد كثيرة جدًا.

3666. Jâbir bin 'Abdullâh narrated that his father was martyred on the Day of Uḥud, and he left behind six daughters, and some outstanding debts. When the time to pick the dates came, I went to the Messenger of Allâh ﷺ and said: "You know that my father was martyred on the Day of Uḥud and he left behind a great deal of debt. I would like the creditors to see you". He said: "Go and pile up the dates in separate heaps." I did that, then I called him. When they saw him, it was as if they started to put pressure on me at that time. When he saw what they were doing, he went around the biggest heap three times, then he sat on it then said: "Call your companions (the creditors)." Then he kept on weighing out for them, until Allâh cleared all my father's debts. I am pleased that Allâh cleared my

٣٦٦٦ - أَخْبَرَنَا الْقَاسِمُ بْنُ زَكَرِيَّا بْنِ دِينَارٍ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ شَيْبَانَ، عَنْ فِرَاسٍ، عَنِ الشَّعْبِيِّ قَالَ: حَدَّثَنِي جَابِرُ بْنُ عَبْدِ اللَّهِ: أَنَّ أَبَاهُ اسْتُشْهِدَ يَوْمَ أُحُدٍ وَتَرَكَ سِتَّ بَنَاتٍ وَتَرَكَ عَلَيْهِ دَيْنًا، فَلَمَّا حَضَرَ جُدَادُ النَّخْلِ أَتَيْتُ رَسُولَ اللهِ ﷺ، فَقُلْتُ: قَدْ عَلِمْتَ أَنَّ وَالِدِي اسْتُشْهِدَ يَوْمَ أُحُدٍ وَتَرَكَ دَيْنًا كَثِيرًا، وَإِنِّي أُحِبُّ أَنْ يَرَاكَ الْغُرَمَاءُ، قَالَ: «اذْهَبْ فَبَيْدِرْ كُلَّ تَمْرٍ عَلَى نَاحِيَةٍ» فَفَعَلْتُ ثُمَّ دَعَوْتُهُ، فَلَمَّا نَظَرُوا إِلَيْهِ كَأَنَّمَا أُغْرُوا بِي تِلْكَ السَّاعَةَ، فَلَمَّا رَأَى مَا يَصْنَعُونَ أَطَافَ حَوْلَ أَعْظَمِهَا بَيْدَرًا ثَلَاثَ مَرَّاتٍ، ثُمَّ جَلَسَ عَلَيْهِ، ثُمَّ قَالَ: «ادْعُ أَصْحَابَكَ» فَمَا زَالَ يَكِيلُ لَهُمْ حَتَّى أَدَّى اللهُ أَمَانَةَ وَالِدِي، وَأَنَا رَاضٍ أَنْ يُؤَدِّيَ اللهُ أَمَانَةَ وَالِدِي لَمْ تَنْقُصْ تَمْرَةٌ وَاحِدَةٌ.

father's debts without even a single date being missed. (*Sahîh*)

تخريج: أخرجه البخاري، المغازي، باب:﴿إذ همت طائفتان منكم أن تفشلا والله وليهما﴾، ح:٤٠٥٣ من حديث عبيدالله بن موسٰى به، وهو في الكبرٰى، ح:٦٤٦٣.

Comments:

1. 'Six daughters': In some reports, there is mention of nine. Probably they might have been married already. That is why they were not mentioned. These six were unmarried, whose responsibility rested with Jâbir ﷺ.
2. 'Put presure on me': Originally, they were the Jews, and the Jews are an extremely selfish, hard hearted and unsympathetic community. Rather every interest-devouring person happens to be so!
3. 'Went around': For blessing, or blessedness, or in order to gather a correct *estimate of the quality of dates.*
4. 'Without even a single date being missed': This was one of the Prophet's ﷺ miracles.

Chapter 4. Paying Off Debts Before Distributing Inheritance And Mentioning The Difference In The Wordings Of The Reporters Of The Narration

(المعجم ٤) - **بَابُ قَضَاءِ الدَّيْنِ قَبْلَ المِيرَاثِ وَذِكْرِ اخْتِلَافِ أَلفَاظِ النَّاقِلِينَ لِخَبَرِ جَابِرٍ فِيهِ** (التحفة ٤)

3667. It was narrated from Jâbir that his father died owing debts. "I came to the Prophet ﷺ and said: '(O Messenger of Allâh!) My father has died owing debts, and he has not left anything but what his date-palms produce. What his date-palms produce will not pay off his debts for years. Come with me, O Messenger of Allâh, so that the creditors will not be harsh with me.' The Messenger of Allâh ﷺ went to each heap, saying *Salâms* and supplicating for it, then sitting on it. He called the creditors and paid them off, and what was left was as much as what they had taken." (*Sahîh*)

٣٦٦٧ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ مُحَمَّدِ ابْنِ سَلَّامٍ قَالَ: حَدَّثَنَا إِسْحَاقُ، - وَهُوَ الْأَزْرَقُ - قَالَ: حَدَّثَنَا زَكَرِيَّا عَنِ الشَّعْبِيِّ، عَنْ جَابِرٍ: أَنَّ أَبَاهُ تُوُفِّيَ وَعَلَيْهِ دَيْنٌ، فَأَتَيْتُ النَّبِيَّ ﷺ، فَقُلْتُ: [يَا رَسُولَ اللهِ!] إِنَّ أَبِي تُوُفِّيَ وَعَلَيْهِ دَيْنٌ، وَلَمْ يَتْرُكْ إِلَّا مَا يُخْرِجُ نَخْلُهُ، وَلَا يَبْلُغُ مَا يُخْرِجُ نَخْلُهُ مَا عَلَيْهِ مِنَ الدَّيْنِ دُونَ سِنِينَ، فَانْطَلِقْ مَعِي يَا رَسُولَ اللهِ! لِكَيْ لَا يَفْحَشَ عَلَيَّ الْغُرَّامُ، فَأَتَى رَسُولُ اللهِ ﷺ يَدُورُ بَيْدَرًا بَيْدَرًا فَسَلَّمَ حَوْلَهُ وَدَعَا لَهُ ثُمَّ جَلَسَ عَلَيْهِ، وَدَعَا الْغُرَّامَ فَأَوْفَاهُمْ، وَبَقِيَ مِثْلَ مَا أَخَذُوا.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٤٦٤.

3668. It was narrated that Jâbir said: "Abdullâh bin 'Amr bin Ḥarâm died, leaving behind debts. I asked the Messenger of Allâh ﷺ to intercede with his creditors so that they would waive part of the debt. He asked them to do that but they refused. The Prophet ﷺ said to me: 'Go and sort your dates into their different kinds: The *'Ajwah* on one side, the cluster of Ibn Zaid on another side, and so on. Then send for me.' I did that, then the Messenger of Allâh ﷺ came and sat at the head or in the middle of the heaps. Then he said: 'Measure them out for the people.' So I measured them out for them until I had paid them all off, and my dates were left as if nothing had been taken from them." (*Ṣaḥîḥ*)

٣٦٦٨ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، عَنْ جَابِرٍ قَالَ: تُوُفِّيَ عَبْدُ اللهِ بْنُ عَمْرِو بْنِ حَرَامٍ قَالَ: وَتَرَكَ دَيْنًا، فَاسْتَشْفَعْتُ بِرَسُولِ اللهِ ﷺ عَلَى غُرَمَائِهِ أَنْ يَضَعُوا مِنْ دَيْنِهِ شَيْئًا، فَطَلَبَ إِلَيْهِمْ فَأَبَوْا، فَقَالَ لِي النَّبِيُّ ﷺ: «اذْهَبْ فَصَنِّفْ تَمْرَكَ أَصْنَافًا، الْعَجْوَةَ عَلَى حِدَةٍ، وَعِذْقَ ابْنِ زَيْدٍ عَلَى حِدَةٍ، وَأَصْنَافَهُ، ثُمَّ ابْعَثْ إِلَيَّ» قَالَ: فَفَعَلْتُ، فَجَاءَ رَسُولُ اللهِ ﷺ فَجَلَسَ فِي أَعْلَاهُ أَوْ فِي أَوْسَطِهِ، ثُمَّ قَالَ: «كِلْ لِلْقَوْمِ» قَالَ: فَكِلْتُ لَهُمْ حَتَّى أَوْفَيْتُهُمْ، ثُمَّ بَقِيَ تَمْرِي كَأَنْ لَمْ يَنْقُصْ مِنْهُ شَيْءٌ.

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٦٤٦٥.

3669. It was narrated that Jâbir bin 'Abdullâh said: "My father owed some dates to a Jew. He was killed on the Day of Uḥud and he left behind two gardens. The dates owed to the Jew would take up everything in the two gardens. The Prophet ﷺ said: 'Can you take half this year and half next year?' But the Jew refused. The Prophet ﷺ said: 'When the time to pick the dates comes, call me.' So I called him and he came, accompanied by Abû Bakr. The dates were picked and weighed from the lowest part of the palm-trees, and the Messenger of Allâh ﷺ was praying for blessing, until we paid off

٣٦٦٩ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يُونُسَ بْنِ مُحَمَّدٍ حَرَمِيٌّ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ عَمَّارِ بْنِ أَبِي عَمَّارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: كَانَ لِيَهُودِيٍّ عَلَى أَبِي تَمْرٌ، فَقُتِلَ يَوْمَ أُحُدٍ وَتَرَكَ حَدِيقَتَيْنِ، وَتَمْرُ الْيَهُودِيِّ يَسْتَوْعِبُ مَا فِي الْحَدِيقَتَيْنِ، فَقَالَ النَّبِيُّ ﷺ: «هَلْ لَكَ أَنْ تَأْخُذَ الْعَامَ نِصْفَهُ وَتُؤَخِّرَ نِصْفَهُ؟» فَأَبَى الْيَهُودِيُّ، فَقَالَ النَّبِيُّ ﷺ: «إِذَا حَضَرَ الْجُدَادُ فَآذِنِّي». فَآذَنْتُهُ، فَجَاءَ هُوَ وَأَبُو بَكْرٍ، فَجُعِلَ يُجَدُّ وَيُكَالُ مِنْ أَسْفَلِ النَّخْلِ وَرَسُولُ اللهِ ﷺ يَدْعُو بِالْبَرَكَةِ، حَتَّى وَفَيْنَاهُ جَمِيعَ حَقِّهِ مِنْ أَصْغَرِ الْحَدِيقَتَيْنِ فِيمَا يَحْسِبُ

everything that we owed him from the smaller of the two gardens, as calculated by 'Ammâr. Then I brought them some fresh dates and water and they ate and drank, then he said: 'This is part of the blessing concerning which you will be questioned.'" (*Ṣaḥîḥ*)

عَمَّارٌ، ثُمَّ أَتَيْتُهُمْ بِرُطَبٍ وَمَاءٍ فَأَكَلُوا وَشَرِبُوا، ثُمَّ قَالَ: «هٰذَا مِنَ النَّعِيمِ الَّذِي تُسْئَلُونَ عَنْهُ».

تخريج: [إسناده صحيح] أخرجه أحمد: ٣/ ٣٣٨، ٣٥١، ٣٩١ من حديث حماد بن سلمة به، وهو في الكبرٰى، ح: ٦٤٦٦، وللحديث طرق كثيرة جدًّا.

3670. It was narrated that Jâbir bin 'Abdullâh said: "My father died owing debts. I offered to his creditors that they could take the fruits in lieu of what he owed them, but they refused as they thought that it would not cover the debt. I went to the Messenger of Allâh ﷺ and told him about that, He said: 'When you pick the dates and have put them in the *Mirbad* (place for drying dates), call me.' When I had picked the dates and put them in the *Mirbad*, I went to the Messenger of Allâh ﷺ and he came, accompanied by Abû Bakr and 'Umar. He sat on (the dates) and prayed for blessing. Then he said: 'Call your creditors and pay them off.' I did not leave anyone to whom my father owed anything but I paid him off, and I had thirteen *Wasqs* left over. I mentioned that to him and he smiled and said: 'Go to Abû Bakr and 'Umar and tell them about that.' So I went to Abû Bakr and 'Umar and told them about that, and they said: 'We knew, when the Messenger of Allâh ﷺ did what he did, that this would happen.'" (*Ṣaḥîḥ*)

٣٦٧٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى عَنْ حَدِيثِ عَبْدِ الْوَهَّابِ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ وَهْبِ بْنِ كَيْسَانَ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: تُوُفِّيَ أَبِي وَعَلَيْهِ دَيْنٌ، فَعَرَضْتُ عَلَى غُرَمَائِهِ أَنْ يَأْخُذُوا الثَّمَرَةَ بِمَا عَلَيْهِ، فَأَبَوْا وَلَمْ يَرَوْا فِيهِ وَفَاءً، فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَذَكَرْتُ ذٰلِكَ لَهُ، قَالَ: «إِذَا جَدَدْتَهُ فَوَضَعْتَهُ فِي الْمِرْبَدِ فَآذِنِّي» فَلَمَّا جَدَدْتُهُ وَوَضَعْتُهُ فِي الْمِرْبَدِ أَتَيْتُ رَسُولَ اللهِ ﷺ، فَجَاءَ وَمَعَهُ أَبُو بَكْرٍ وَعُمَرُ، فَجَلَسَ عَلَيْهِ وَدَعَا بِالْبَرَكَةِ، ثُمَّ قَالَ: «ادْعُ غُرَمَاءَكَ فَأَوْفِهِمْ» قَالَ: فَمَا تَرَكْتُ أَحَدًا لَهُ عَلَى أَبِي دَيْنٌ إِلَّا قَضَيْتُهُ، وَفَضَلَ لِي ثَلَاثَةَ عَشَرَ وَسْقًا، فَذَكَرْتُ ذٰلِكَ لَهُ فَضَحِكَ، وَقَالَ: «ائْتِ أَبَا بَكْرٍ وَعُمَرَ فَأَخْبِرْهُمَا ذٰلِكَ» فَأَتَيْتُ أَبَا بَكْرٍ وَعُمَرَ فَأَخْبَرْتُهُمَا، فَقَالَا: قَدْ عَلِمْنَا إِذْ صَنَعَ رَسُولُ اللهِ ﷺ مَا صَنَعَ أَنَّهُ سَيَكُونُ ذٰلِكَ.

تخريج: أخرجه البخاري، الصلح، باب الصلح بين الغرماء وأصحاب الميراث والمجازفة في ذلك، ح: ٢٧٠٩ من حديث عبدالوهاب الثقفي به، وهو في الكبرى، ح: ٦٤٦٧.

Chapter 5. Invalidating Bequests To Heirs

(المعجم ٥) - بَابُ إِبْطَالِ الوَصِيَّةِ لِلوَارِثِ (التحفة ٥)

3671. It was narrated that 'Amr bin Khârijah said: "The Messenger of Allâh ﷺ delivered a *Khuṭbah* and said: 'Allâh has given every person who has rights his due, and there is no bequest to an heir.'" (*Ḥasan*)

٣٦٧١ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ، عَنْ شَهْرِ بْنِ حَوْشَبٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ غَنْمٍ، عَنْ عَمْرِو بْنِ خَارِجَةَ قَالَ: خَطَبَ رَسُولُ اللهِ ﷺ فَقَالَ: «إِنَّ اللهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ، وَلَا وَصِيَّةَ لِوَارِثٍ».

تخريج: [حسن] أخرجه الترمذي، الوصايا، باب ماجاء لا وصية لوارث، ح: ٢١٢١ عن قتيبة به، وقال: "حسن صحيح"، وهو في الكبرى، ح: ٦٤٦٨، وسنده ضعيف، وللحديث شاهد حسن عند أبي داود، ح: ٣٥٦٥.

Comments:

In the early period, one's offspring used to become heirs. For parents and other kith and kin, a bequest used to be made. Their right was not specified. In the same period, this Verse was revealed: "It is prescribed when death approaches any of you if he leaves any goods that he makes a bequest to parents and next of kin." (*Al-Baqarah:* 180) Then Allâh, Most High, specified in *Surat An-Nisa* the portions of parents, children, husband, wife, sister, and brother. Henceforth, the bequest did not remain necessary for heirs. So the will remained for those not assigned a portion of the inheritance.

3672. It was narrated from Shahr bin Ḥawshab that Ibn Ghanm mentioned that Ibn Khârijah told him that he saw the Messenger of Allâh ﷺ addressing the people from atop his mount, which was chewing its cud and its saliva was dripping down. The Messenger of Allâh ﷺ said in his *Khuṭbah*: "Allâh has given each person a share of the inheritance, and it is not permissible to give bequests to an heir." (*Ḥasan*)

٣٦٧٢ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: حَدَّثَنَا قَتَادَةُ عَنْ شَهْرِ بْنِ حَوْشَبٍ: أَنَّ ابْنَ غَنْمٍ ذَكَرَ أَنَّ ابْنَ خَارِجَةَ ذَكَرَ لَهُ: أَنَّهُ شَهِدَ رَسُولَ اللهِ ﷺ يَخْطُبُ النَّاسَ عَلَى رَاحِلَتِهِ، وَإِنَّهَا لَتَقْصَعُ بِجِرَّتِهَا، وَإِنَّ لُعَابَهَا لَيَسِيلُ، فَقَالَ رَسُولُ اللهِ ﷺ فِي خُطْبَتِهِ: «إِنَّ اللهَ قَدْ قَسَّمَ لِكُلِّ إِنْسَانٍ قِسْمَةً مِنَ الْمِيرَاثِ، فَلَا تَجُوزُ لِوَارِثٍ وَصِيَّةٌ».

تخريج: [حسن] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٦٩.

Comments:

1. 'Saliva was dripping...' meaning he was standing below the she-camel's neck. He might have probably been holding her reins.
2. 'Each person' meaning the one who is considered worthy of inheritance. The description of most of the heirs occurs in the Glorious Qur'ân. The mention of portions of some heirs occurs in traditional reports; for instance, the portion of a paternal grandmother and a maternal grandmother.

3673. It was narrated that 'Amr bin Khârijah said: "The Messenger of Allâh ﷺ said: 'Allâh, Mighty is His Name has given every person who has rights his due, and there is no bequest to an heir.'" (*Hasan*)

٣٦٧٣ - أَخْبَرَنَا عُتْبَةُ بْنُ عَبْدِ اللهِ الْمَرْوَزِيُّ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ الْمُبَارَكِ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ عَنْ قَتَادَةَ، عَنْ عَمْرِو بنِ خَارِجَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ اللهَ عَزَّ اسْمُهُ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ، وَلَا وَصِيَّةَ لِوَارِثٍ».

تخريج: [حسن] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٦٤٧٠.

Chapter 6. When One Exhorts His Closest Kinsmen

(المعجم ٦) - بَابٌ: إِذَا أَوْصَى لِعَشِيرَتِهِ الأَقْرَبِينَ (التحفة ٦)

3674. It was narrated that Abû Hurairah said: "When the following was revealed: 'And warn your tribe (O Muhammad) of near kindred,'[1] the Messenger of Allâh ﷺ called the Quraish and they gathered, and he spoke in general and specific terms, then he said: 'O Banu Ka'b bin Lu'ayy! O Banu Murrah bin Ka'b! O Banu 'Abd Shams! O Banu 'Abd Manâf! O Banu Hishâm! O Banu 'Abdul-Muttalib! Save yourselves from the Fire! O Fâtimah! Save yourself from the Fire. I cannot avail you anything before Allâh., but I will uphold the ties of kinship with you." (*Sahîh*)

٣٦٧٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ مُوسَى بْنِ طَلْحَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: لَمَّا نَزَلَتْ: ﴿وَأَنذِرْ عَشِيرَتَكَ ٱلْأَقْرَبِينَ﴾ [الشعراء: ٢١٤] دَعَا رَسُولُ اللهِ ﷺ قُرَيْشًا فَاجْتَمَعُوا، فَعَمَّ وَخَصَّ، فَقَالَ: «يَا بَنِي كَعْبِ بْنِ لُؤَيٍّ! يَا بَنِي مُرَّةَ بْنِ كَعْبٍ! يَا بَنِي عَبْدِ شَمْسٍ! وَيَا بَنِي عَبْدِ مَنَافٍ! وَيَا بَنِي هَاشِمٍ! وَيَا بَنِي عَبْدِ الْمُطَّلِبِ! أَنْقِذُوا أَنْفُسَكُمْ مِنَ النَّارِ، وَيَا فَاطِمَةُ! أَنْقِذِي نَفْسَكِ مِنَ النَّارِ، إِنِّي لَا أَمْلِكُ لَكُمْ مِنَ اللهِ شَيْئًا غَيْرَ أَنَّ لَكُمْ رَحِمًا سَأَبُلُّهَا بِبِلَالِهَا».

[1] *Ash-Shu'ara* 26:214.

تخريج: أخرجه مسلم، الإيمان، باب في قوله تعالى: ﴿وأنذر عشيرتك الأقربين﴾، ح: ٢٠٤ من حديث جرير بن عبدالحميد به، وهو في الكبرى، ح: ٦٤٧١ .

Comments:

The author mention this narration as the will, bequest, or *Waṣiyyah* of Allâh's Messenger ﷺ to his relatives. This is because '*Waṣiyyah*' is used for a will that is written, as well as statements of order or encouragement.

3675. It was narrated that Mûsâ bin Ṭalḥah said: "The Messenger of Allâh ﷺ said: 'O Banu 'Abd Manâf! Buy your souls from your Lord. I cannot avail you anything before Allâh. Abû Banu 'Abdul-Muṭṭalib! Buy your souls from your Lord. I cannot avail you anything before Allâh. But between me and you there are ties of kinship which I will uphold.'" (*Ṣaḥîḥ*)

٣٦٧٥ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُوسَى قَالَ: أَخْبَرَنِي إِسْرَائِيلُ عَنْ مُعَاوِيَةَ - وَهُوَ ابْنُ إِسْحَاقَ - عَنْ مُوسَى بْنِ طَلْحَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «يَا بَنِي عَبْدِ مَنَافٍ! اشْتَرُوا أَنْفُسَكُمْ مِنْ رَبِّكُمْ، إِنِّي لَا أَمْلِكُ لَكُمْ مِنَ اللهِ شَيْئًا، يَا بَنِي عَبْدِ الْمُطَّلِبِ! اشْتَرُوا أَنْفُسَكُمْ مِنْ رَبِّكُمْ، إِنِّي لَا أَمْلِكُ لَكُمْ مِنَ اللهِ شَيْئًا، وَلَكِنْ بَيْنِي وَبَيْنَكُمْ رَحِمٌ أَنَا بَالُّهَا بِبِلَالِهَا».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٧٢.

3676. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said, when the Verse: 'And warn your tribe (O Muḥammad) of near kindred.'[1] was revealed: 'O Quraish! Buy your souls from your Lord; I cannot avail you anything before Allâh. O Banu 'Abdul-Muṭṭalib! I cannot avail you anything before Allâh. O 'Abbâs bin 'Abdul-Muṭṭalib! I cannot avail you anything before Allâh. O Ṣafiyyah, paternal aunt of the Messenger of Allâh ﷺ! I cannot avail you anything before Allâh. O Fâṭimah bint Muḥammad! Ask me for whatever you want, I cannot avail you anything before Allâh.'" (*Ṣaḥîḥ*)

٣٦٧٦ - أَخْبَرَنَا سُلَيْمَانُ بْنُ دَاوُدَ عَنِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبِ وَأَبُو سَلَمَةَ ابْنُ عَبْدِ الرَّحْمٰنِ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: حِينَ أُنْزِلَتْ عَلَيْهِ ﴿وَأَنذِرْ عَشِيرَتَكَ ٱلْأَقْرَبِينَ﴾ قَالَ: «يَا مَعْشَرَ قُرَيْشٍ! اشْتَرُوا أَنْفُسَكُمْ مِنَ اللهِ، لَا أُغْنِي عَنْكُمْ مِنَ اللهِ شَيْئًا، يَا بَنِي عَبْدِ الْمُطَّلِبِ! لَا أُغْنِي عَنْكُمْ مِنَ اللهِ شَيْئًا، يَا عَبَّاسُ بْنَ عَبْدِ الْمُطَّلِبِ! لَا أُغْنِي عَنْكَ مِنَ اللهِ شَيْئًا، يَا صَفِيَّةُ عَمَّةَ رَسُولِ اللهِ ﷺ! لَا أُغْنِي عَنْكِ مِنَ

[1] *Ash-Shu'ara* 26:214.

اللهِ شَيْئًا، يَا فَاطِمَةُ بِنْتَ مُحَمَّدٍ! سَلِينِي مَا شِئْتِ، لَا أُغْنِي عَنْكِ مِنَ اللهِ شَيْئًا».

تخريج: أخرجه البخاري، التفسير، باب: ﴿وأنذر عشيرتك الأقربين واخفض جناحك﴾، ح:٤٧٧١ معلقًا، ومسلم، ح:٢٠٦ (انظر الحديث المتقدم:٣٦٧٤) من حديث ابن وهب به، وهو في الكبرٰى، ح:٦٤٧٣.

3677. Abû Hurairah said: "The Messenger of Allâh ﷺ stood up when the following was revealed to him: 'And warn your tribe (O Muḥammad) of near kindred,'[1] and said: 'O Quraish! Buy your souls from your Lord, I cannot avail you anything before Allâh. O Banu 'Abd Manâf! I cannot avail you anything before Allâh. O 'Abbâs bin 'Abdul-Muṭṭalib! I cannot avail you anything before Allâh. O Ṣafiyyah, paternal aunt of the Messenger of Allâh ﷺ! I cannot avail you anything before Allâh. O Fâṭimah! Ask me for whatever you want, I cannot avail you anything before Allâh.'" (*Ṣaḥîḥ*)

٣٦٧٧ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا بِشْرُ بْنُ شُعَيْبٍ عَنْ أَبِيهِ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبِ وَأَبُو سَلَمَةَ ابْنُ عَبْدِ الرَّحْمٰنِ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَامَ رَسُولُ اللهِ ﷺ حِينَ أُنْزِلَ عَلَيْهِ ﴿وَأَنذِرْ عَشِيرَتَكَ الْأَقْرَبِينَ﴾ فَقَالَ: «يَا مَعْشَرَ قُرَيْشٍ! اشْتَرُوا أَنْفُسَكُمْ مِنَ اللهِ لَا أُغْنِي عَنْكُمْ مِنَ اللهِ شَيْئًا، يَا بَنِي عَبْدِ مَنَافٍ! لَا أُغْنِي عَنْكُمْ مِنَ اللهِ شَيْئًا، يَا عَبَّاسُ بْنَ عَبْدِ الْمُطَّلِبِ! لَا أُغْنِي عَنْكَ مِنَ اللهِ شَيْئًا، يَا صَفِيَّةُ عَمَّةَ رَسُولِ اللهِ ﷺ! لَا أُغْنِي عَنْكِ مِنَ اللهِ شَيْئًا، يَا فَاطِمَةُ! سَلِينِي مَا شِئْتِ، لَا أُغْنِي عَنْكِ مِنَ اللهِ شَيْئًا».

تخريج: أخرجه البخاري، الوصايا، باب: هل يدخل النساء والولد في الأقارب؟، ح:٢٧٥٣ من حديث شعيب بن أبي حمزة به، وهو في الكبرٰى، ح:٦٤٧٤.

3678. It was narrated that 'Âishah said: "When this verse – 'And warn your tribe (O Muḥammad) of near kindred'[2] – was revealed, the Messenger of Allâh ﷺ said: 'O Fâṭimah daughter of Muḥammad! O Ṣafiyyah bint 'Abdul-Muṭṭalib! O Banu 'Abdul-Muṭṭalib! I cannot

٣٦٧٨ - **أَخْبَرَنَا** إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ قَالَ: حَدَّثَنَا هِشَامٌ - وَهُوَ ابْنُ عُرْوَةَ - عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا نَزَلَتْ هٰذِهِ الْآيَةُ ﴿وَأَنذِرْ عَشِيرَتَكَ الْأَقْرَبِينَ﴾ [الشعراء: ٢١٤] قَالَ رَسُولُ اللهِ ﷺ: «يَا

[1] *Ash-Shu'ara* 26:214.

[2] *Ash-Shu'ara* 26:214.

avail you anything before Allâh; ask me for whatever you want of my wealth.'" (*Ṣaḥîḥ*)

فَاطِمَةُ ابْنَةَ مُحَمَّدٍ! يَا صَفِيَّةُ بِنْتَ عَبْدِ الْمُطَّلِبِ! يَا بَنِي عَبْدِ الْمُطَّلِبِ! لَا أُغْنِي عَنْكُمْ مِنَ اللهِ شَيْئًا سَلُونِي مِنْ مَالِي مَا شِئْتُمْ».

تخريج: أخرجه مسلم، ح: ٢٠٥/ ٣٥٠ (انظر الحديث المتقدم: ٣٦٧٤) من حديث هشام بن عروة به، وهو في الكبرٰى، ح: ٦٤٧٥ .

Chapter 7. If A Person Dies Unexpectedly, It Is Recommended For His Family To Give Charity On His Behalf

(المعجم ٧) - إِذَا مَاتَ الْفُجَاءَةَ هَلْ يُسْتَحَبُّ لِأَهْلِهِ أَنْ يَتَصَدَّقُوا عَنْهُ (التحفة ٧)

3679. It was narrated from 'Âishah that a man said to the Messenger of Allâh ﷺ: "My mother died unexpectedly; if she had been able to speak she would have given charity. Should I give charity on her behalf?" The Messenger of Allâh ﷺ said: "Yes." So he gave charity on her behalf. (*Ṣaḥîḥ*)

٣٦٧٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا ابْنُ الْقَاسِمِ عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ رَجُلًا قَالَ لِرَسُولِ اللهِ ﷺ: إِنَّ أُمِّي افْتُلِتَتْ نَفْسُهَا، وَإِنَّهَا لَوْ تَكَلَّمَتْ تَصَدَّقَتْ، أَفَأَتَصَدَّقُ عَنْهَا؟ فَقَالَ رَسُولُ اللهِ ﷺ: «نَعَمْ» فَتَصَدَّقَ عَنْهَا.

تخريج: أخرجه البخاري، الوصايا، باب ما يستحب لمن توفي فجاءةً أن يتصدقوا عنه، وقضاء النذور عن الميت، ح: ٢٧٦٠ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٧٦٠، والكبرٰى، ح: ٦٤٧٦

Comments:

He was Sa'd bin 'Ubâdah. Both he and his honorable mother were extremely generous. That pious and generous woman had suddenly died in his absence. Details follow in the upcoming *Ḥadîth*.

3680. It was narrated from Sa'eed bin 'Amr bin Shuraḥbîl bin Sa'eed bin Sa'd bin 'Ubâdah, from his father, that his grandfather said: "Sa'd bin 'Ubâdah went out with the Prophet ﷺ on one of his campaigns, and death came to his mother in Al-Madînah. It was said to her (as she was dying): 'Make a will.' She said: 'To whom shall I make a will? The wealth belongs to Sa'd.' Then she died before Sa'd came. When Sa'd

٣٦٨٠ - أَخْبَرَنَا الْحَارِثُ بْنُ مِسْكِينٍ - قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - عَنِ ابْنِ الْقَاسِمِ، عَنْ مَالِكٍ، عَنْ سَعِيدِ بْنِ عَمْرِو بْنِ شُرَحْبِيلَ بْنِ سَعِيدِ بْنِ سَعْدِ بْنِ عُبَادَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: خَرَجَ سَعْدُ بْنُ عُبَادَةَ مَعَ النَّبِيِّ ﷺ فِي بَعْضِ مَغَازِيهِ وَحَضَرَتْ أُمَّهُ الْوَفَاةُ بِالْمَدِينَةِ، فَقِيلَ لَهَا: أَوْصِي، فَقَالَتْ: فِيمَ أُوصِي؟ الْمَالُ

came, he was told about that and he said: 'O Messenger of Allâh, will it benefit her if I give in charity on her behalf?' The Prophet ﷺ said: 'Yes.' Sa'd said: 'Such and such a garden is given in charity on her behalf' – regarding a garden that he named." (*Ṣaḥîḥ*)

مَالُ سَعْدٍ، فَتُوُفِّيَتْ قَبْلَ أَنْ يَقْدَمَ سَعْدٌ، فَلَمَّا قَدِمَ سَعْدٌ ذُكِرَ ذٰلِكَ لَهُ، فَقَالَ: يَا رَسُولَ اللهِ! هَلْ يَنْفَعُهَا أَنْ أَتَصَدَّقَ عَنْهَا؟ فَقَالَ النَّبِيُّ ﷺ: «نَعَمْ» فَقَالَ سَعْدٌ: حَائِطُ كَذَا وَكَذَا صَدَقَةٌ عَنْهَا - لِحَائِطٍ سَمَّاهُ -.

تخريج: [**إسناده صحيح**] أخرجه ابن خزيمة في صحيحه، ح: ٢٥٠٠ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٧٦٠، والكبرى، ح: ٦٤٧٧، وصححه ابن حبان، ح: ٨٥٧، وللحديث شواهد كثيرة.

Chapter 8. The Virtue Of Charity Given On Behalf Of The Deceased

(المعجم ٨) - فَضْلُ الصَّدَقَةِ عَنِ الْمَيِّتِ (التحفة ٨)

3681. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "When a man dies all his good deeds come to an end except three: Ongoing charity (*Ṣadaqah Jâriyah*), beneficial knowledge and a righteous son who prays for him." (*Ṣaḥîḥ*)

٣٦٨١ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنَا الْعَلَاءُ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ: مِنْ صَدَقَةٍ جَارِيَةٍ، وَعِلْمٍ يُنْتَفَعُ بِهِ، وَوَلَدٍ صَالِحٍ يَدْعُو لَه».

تخريج: أخرجه مسلم، الوصية، باب ما يلحق الإنسان من الثواب بعد وفاته، ح: ١٦٣١ عن علي بن حجر به، وهو في الكبرى، ح: ٦٤٧٨ * إسماعيل هو ابن جعفر.

Comments:

1. 'Ongoing charity' means such charity which continues to benefit people even after the death of the charity-giver.
2. 'Knowledge': For instance, the books which were written or trained pupils or audio-cassettes, etc.
3. 'Righteous son' whom the deceased had trained and educated, and had accustomed them to doing good deeds. (Further details could be seen in the previous report).

3682. It was narrated from Abû Hurairah said that a man said to the Prophet ﷺ: "My father died and left behind wealth, but he did not leave a will. Will it expiate for him if I give charity on his behalf?"

٣٦٨٢ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا قَالَ لِلنَّبِيِّ ﷺ: إِنَّ أَبِي مَاتَ وَتَرَكَ مَالًا وَلَمْ يُوصِ، فَهَلْ يُكَفِّرُ عَنْهُ

He said: "Yes." (*Ṣaḥîḥ*)

أَنْ أَتَصَدَّقَ عَنْهُ؟ قَالَ: «نَعَمْ».

تخريج: أخرجه مسلم، الوصية، باب وصول ثواب الصدقات إلى الميت، ح: ١٦٣٠ عن علي ابن حجر به، وهو في الكبرٰى، ح: ٦٤٧٩ * إسماعيل هو ابن جعفر.

3683. It was narrated that Ash-Sharîd bin Suwaid Ath-Thaqafî said: "I came to the Messenger of Allâh ﷺ and said: 'My mother left a will saying that a slave should be freed on her behalf. I have a Nubian slave girl; will it suffice if I free her on her behalf?' He said: 'Bring her here.' The Prophet ﷺ said to her: 'Who is your Lord?' She said: 'Allâh.' He said: 'Who am I?' She said: 'The Messenger of Allâh.' He said: 'Set her free, for she is a believer.'" (*Ḥasan*)

٣٦٨٣ - أَخْبَرَنَا مُوسَى بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا هِشَامُ بْنُ عَبْدِ الْمَلِكِ قَالَ: حَدَّثَنَا حَمَّادُ ابْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنِ الشَّرِيدِ بْنِ سُوَيْدٍ الثَّقَفِيِّ قَالَ: أَتَيْتُ رَسُولَ اللهِ ﷺ فَقُلْتُ: إِنَّ أُمِّي أَوْصَتْ أَنْ تُعْتَقَ عَنْهَا رَقَبَةٌ، وَإِنَّ عِنْدِي جَارِيَةً نُوبِيَّةً أَفَيُجْزِىءُ عَنِّي أَنْ أُعْتِقَهَا عَنْهَا؟ قَالَ: «ائْتِنِي بِهَا» فَأَتَيْتُهُ بِهَا، فَقَالَ لَهَا النَّبِيُّ ﷺ: «مَنْ رَبُّكِ؟» قَالَتْ: اللهُ، قَالَ: «مَنْ أَنَا؟» قَالَتْ: أَنْتَ رَسُولُ اللهِ، قَالَ: «فَاعْتِقْهَا فَإِنَّهَا مُؤْمِنَةٌ».

تخريج: **[إسناده حسن]** أخرجه أبو داود، الأيمان والنذور، باب: في الرقبة المؤمنة، ح: ٣٢٨٣ من حديث حماد بن سلمة به، وهو في الكبرٰى، ح: ٦٤٨٠.

Comments:

We get to learn that it is superior to emancipate a believer. Besides, emancipating a slave woman equals emancipation of a slave. We also get to know that belief in the Oneness of Allâh and the Prophethood is sufficient for one to be a believer. One ought not to delve deep into it.

3684. It was narrated from Ibn 'Abbâs that Sa'd asked the Prophet ﷺ: "My mother died and did not leave a will; shall I give charity on her behalf?" He said: "Yes." (*Ṣaḥîḥ*)

٣٦٨٤ - أَخْبَرَنَا الْحُسَيْنُ بْنُ عِيسَى قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو، [عَنْ] عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ سَعْدًا سَأَلَ النَّبِيَّ ﷺ: إِنَّ أُمِّي مَاتَتْ وَلَمْ تُوصِ، أَفَأَتَصَدَّقُ عَنْهَا؟ قَالَ: «نَعَمْ».

تخريج: أخرجه البخاري، الوصايا، باب: إذا وقف أرضًا ولم يبين الحدود فهو جائز: وكذلك الصدقة، ح: ٢٧٧٠ من حديث عمرو بن دينار به، وهو في الكبرٰى، ح: ٦٤٨١.

3685. It was narrated from Ibn 'Abbâs that a man said: "O

٣٦٨٥ - أَخْبَرَنَا أَحْمَدُ بْنُ الْأَزْهَرِ قَالَ:

Messenger of Allâh, my mother died; will it benefit her if I give in charity on her behalf?" He said: "Yes." He said: "I have a garden and I ask you to bear witness that I am giving it in charity on her behalf." (*Ṣaḥîḥ*)

حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ قَالَ: حَدَّثَنَا زَكَرِيَّا بْنُ إِسْحَاقَ قَالَ: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللهِ! إِنَّ أُمَّهُ تُوُفِّيَتْ أَفَيَنْفَعُهَا إِنْ تَصَدَّقْتُ عَنْهَا؟ قَالَ: «نَعَمْ» قَالَ: فَإِنَّ لِي مَخْرَفًا فَأُشْهِدُكَ أَنِّي قَدْ تَصَدَّقْتُ بِهِ عَنْهَا.

تخريج: أخرجه البخاري، ح٢٧٧٠ من حديث روح بن عبادة به (انظر الحديث السابق)، وهو في الكبرى، ح: ٦٤٨٢.

3686. It was narrated from Sa'd bin 'Ubâdah that he came to the Prophet ﷺ and said: "My mother has died and she had a vow to fulfill. Will it suffice if I free a slave on her behalf?" He said: "Free a slave on behalf of your mother." (*Ṣaḥîḥ*)

٣٦٨٦ - **أَخْبَرَنِي** هَارُونُ بْنُ عَبْدِ اللهِ قَالَ: حَدَّثَنَا عَفَّانُ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ كَثِيرٍ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ، عَنْ سَعْدِ بْنِ عُبَادَةَ: أَنَّهُ أَتَى النَّبِيَّ ﷺ فَقَالَ: إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا نَذْرٌ، أَفَيُجْزِيءُ عَنْهَا أَنْ أُعْتِقَ عَنْهَا؟ قَالَ: «أَعْتِقْ عَنْ أُمِّكَ».

تخريج: [صحيح] أخرجه الطبراني في الكبير: ٦/١٨، ح: ٥٣٦٨ من حديث سليمان بن كثير به، وهو في الكبرى، ح: ٦٤٨٣، وللحديث شواهد كثيرة جدًّا عند البخاري، ح: ٢٧٦١، ومسلم، ح: ١٦٣٨ وغيرهما.

Comments:

See No. 3848.

3687. It was narrated from Sa'd bin 'Ubâdah that he consulted the Prophet ﷺ about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ said: "Fulfill it on her behalf." (*Ṣaḥîḥ*)

٣٦٨٧ - **أَخْبَرَنِي** مُحَمَّدُ بْنُ مُحَمَّدٍ أَبُو يُوسُفَ الصَّيْدَلَانِيُّ عَنْ عِيسَى - وَهُوَ ابْنُ يُونُسَ - عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، أَخْبَرَهُ عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ، عَنْ سَعْدِ بْنِ عُبَادَةَ: أَنَّهُ اسْتَفْتَى النَّبِيَّ ﷺ فِي نَذْرٍ كَانَ عَلَى أُمِّهِ، فَتُوُفِّيَتْ قَبْلَ أَنْ تَقْضِيَهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «اقْضِهِ عَنْهَا».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٤٨٤ .

3688. It was narrated from Sa'd bin 'Ubâdah that he consulted the Prophet ﷺ about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ said: "Fulfill it on her behalf." (*Sahîh*)

٣٦٨٨ - أَخْبَرَنِي مُحَمَّدُ بْنُ صَدَقَةَ الْحِمْصِيُّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ شُعَيْبٍ عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ أَخْبَرَهُ عَنْ عُبَيْدِ اللهِ ابْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ، عَنْ سَعْدِ بْنِ عُبَادَةَ: أَنَّهُ اسْتَفْتَى النَّبِيَّ ﷺ فِي نَذْرٍ كَانَ عَلَى أُمِّهِ فَمَاتَتْ قَبْلَ أَنْ تَقْضِيَهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «اقْضِهِ عَنْهَا».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح:٦٤٨٥.

3689. It was narrated that Ibn 'Abbâs said: "Sa'd consulted the Messenger of Allâh ﷺ about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ said: 'Fulfill it on her behalf.'" (*Sahîh*)

٣٦٨٩ - أَخْبَرَنَا الْعَبَّاسُ بْنُ الْوَلِيدِ بْنِ مَزْيَدَ قَالَ: أَخْبَرَنِي أَبِي قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ قَالَ: أَخْبَرَنِي الزُّهْرِيُّ أَنَّ عُبَيْدَ اللهِ ابْنَ عَبْدِ اللهِ أَخْبَرَهُ عَنِ ابْنِ عَبَّاسٍ قَالَ: اسْتَفْتَى سَعْدٌ رَسُولَ اللهِ ﷺ فِي نَذْرٍ كَانَ عَلَى أُمِّهِ فَتُوُفِّيَتْ قَبْلَ أَنْ تَقْضِيَهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «اقْضِهِ عَنْهَا».

تخريج: أخرجه البخاري، الوصايا، باب ما يستحب لمن توفي فجاءةً أن يتصدقوا عنه ... إلخ، ح:٢٧٦١، ومسلم، النذر، باب الأمر بقضاء النذر، ح:١٦٣٨ من حديث الزهري به، وهو في الكبرى، ح:٦٤٨٦.

Chapter 9. Mentioning The Different Reports From Sufyân

(المعجم ٩) - ذِكْرُ الِاخْتِلَافِ عَلَى سُفْيَانَ (التحفة ٨)

3690. It was narrated that Al-Hârith bin Miskîn said, it being read to him while I was listening: "From Sufyân, from Az-Zuhrî, from 'Ubaidullâh bin 'Abdullâh, from Ibn 'Abbâs, that Sa'd bin 'Ubâdah consulted the Prophet ﷺ about a vow which his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ

٣٦٩٠ - قَالَ الْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنْ سُفْيَانَ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ سَعْدَ بْنَ عُبَادَةَ اسْتَفْتَى النَّبِيَّ ﷺ فِي نَذْرٍ كَانَ عَلَى أُمِّهِ فَتُوُفِّيَتْ قَبْلَ أَنْ تَقْضِيَهُ، فَقَالَ: «اقْضِهِ عَنْهَا».

said: 'Fulfill it on her behalf.'" (*Saḥîḥ*)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٤٨٧، وأخرجه مسلم، ح:١٦٣٨ من حديث سفيان بن عيينة به.

3691. Muḥammad bin 'Abdullâh bin Yazîd said: "Sufyân narrated to us from Az-Zuhrî, from 'Ubaidullâh bin 'Abdullâh, from Ibn 'Abbâs, that Sa'd said: 'My mother died and there was an (outstanding) vow that she had to fulfill. I asked the Prophet ﷺ and he told me to fulfill it on her behalf.'" (*Saḥîḥ*)

٣٦٩١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ، عَنْ سَعْدٍ أَنَّهُ قَالَ: مَاتَتْ أُمِّي وَعَلَيْهَا نَذْرٌ، فَسَأَلْتُ النَّبِيَّ ﷺ، فَأَمَرَنِي أَنْ أَقْضِيَهُ عَنْهَا.

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٦٤٨٨.

3692. It was narrated that Ibn 'Abbâs said: "Sa'd bin 'Ubâdah Al-Anṣârî consulted the Messenger of Allâh ﷺ about an (outstanding) vow that his mother had to fulfill, but she died before doing so. The Messenger of Allâh ﷺ said: 'Fulfill it on her behalf.'"[1] (*Saḥîḥ*)

٣٦٩٢ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سعِيدٍ قَالَ: حَدَّثَنَا اللَّيْثُ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: اسْتَفْتَى سَعْدُ ابْنُ عُبَادَةَ الْأَنْصَارِيُّ رَسُولَ اللهِ ﷺ فِي نَذْرٍ كَانَ عَلَى أُمِّهِ، فَتُوُفِّيَتْ قَبْلَ أَنْ تَقْضِيَهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «اقْضِهِ عَنْهَا».

تخريج: [صحيح] تقدم، ح:٣٦٨٩، وهو في الكبرٰى، ح:٦٤٨٩.

Comments:

Sa'd was the chieftain of the well-known tribe of Banu Khazraj.

3693. It was narrated that Ibn 'Abbâs said: Sa'd bin 'Ubâdah came to the Prophet ﷺ and said: "My mother has died and she had a vow to fulfill but she did not do so. He said: 'Fulfill it on her behalf.'" (*Saḥîḥ*)

٣٦٩٣ - أَخْبَرَنَا هَارُونُ بْنُ إِسْحَاقَ الْهَمْدَانِيُّ عَنْ عَبْدَةَ، عَنْ هِشَامٍ - هُوَ ابْنُ عُرْوَةَ - عَنْ بَكْرِ بْنِ وَائِلٍ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: جَاءَ سَعْدُ بْنُ عُبَادَةَ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا نَذْرٌ وَلَمْ تَقْضِهِ، قَالَ: «اقْضِهِ عَنْهَا».

[1] This, and the remainder in the chapter, are not narrated by Sufyân.

تخريج: [صحيح] تقدم، ح:٣٦٨٩، وهو في الكبرٰى، ح:٦٤٩٠.

3694. It was narrated that Sa'd bin 'Ubâdah said: "I said: 'O Messenger of Allâh, my mother has died; shall I give in charity on her behalf?' He said: 'Yes.' I said: 'What kind of charity is best?' He said: 'Providing drinking water.'" (*Ḍa'îf*)

٣٦٩٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: حَدَّثَنَا وَكِيعٌ عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ سَعْدِ بْنِ عُبَادَةَ قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! إِنَّ أُمِّي مَاتَتْ أَفَأَتَصَدَّقُ عَنْهَا؟ قَالَ: «نَعَمْ» قُلْتُ: فَأَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «سَقْيُ الْمَاءِ».

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الأدب، باب فضل صدقة الماء، ح:٣٦٨٤ من حديث وكيع به، وهو في الكبرٰى، ح:٦٤٩١، وصححه ابن حبان، ح:٨٥٨، والحاكم على شرط الشيخين:١/ ٤١٤ فرده الذهبي بقوله: "لا، إنه غير متصل"، يعني سعيد بن المسيب لم يدرك سعد بن عبادة، ولبعض الحديث شاهد تقدم، ح:٣٦٨٠ * هشام هو الدستوائي.

3695. It was narrated that Sa'd bin 'Ubâdah said: "I said: 'O Messenger of Allâh, what kind of charity is best?' He said: 'Providing drinking water.'" (*Ḍa'îf*)

٣٦٩٥ - أَخْبَرَنَا أَبُو عَمَّارٍ الْحُسَيْنُ بْنُ حُرَيْثٍ عَنْ وَكِيعٍ، عَنْ هِشَامٍ، عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ سَعْدِ بْنِ عُبَادَةَ قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! أَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «سَقْيُ الْمَاءِ».

تخريج: [إسناده ضعيف] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٤٩٢.

3696. It was narrated from Sa'd bin 'Ubâdah that his mother died. He said: "O Messenger of Allâh, my mother has died; can I give charity on her behalf?" He said: "Yes." He said: "What kind of charity is best?" He said: "Providing drinking water." And that is the drinking-fountain of Sa'd in Al-Madînah. (*Ḍa'îf*)

٣٦٩٦ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ الْحَسَنِ عَنْ حَجَّاجٍ قَالَ: سَمِعْتُ شُعْبَةَ يُحَدِّثُ عَنْ قَتَادَةَ قَالَ: سَمِعْتُ الْحَسَنَ يُحَدِّثُ عَنْ سَعْدِ بْنِ عُبَادَةَ: أَنَّ أُمَّهُ مَاتَتْ فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ أُمِّي مَاتَتْ، أَفَأَتَصَدَّقُ عَنْهَا؟ قَالَ: «نَعَمْ» قَالَ: فَأَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «سَقْيُ الْمَاءِ». فَتِلْكَ سِقَايَةُ سَعْدٍ بِالْمَدِينَةِ.

تخريج: [إسناده ضعيف] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٦٤٩٣.

Chapter 10. The Prohibition Of Guardianship Over An Orphan's Property

(المعجم ١٠) - النَّهْيُ عَنِ الوِلَايَةِ عَلَى مَالِ اليَتِيمِ (التحفة ٩)

3697. It was narrated that Abû Dharr said: "The Messenger of Allâh ﷺ said to me: 'O Abû Dharr, I think that you are weak, and I like for you what I like for myself. Do not accept a position of *Amîr* over two people, and do not agree to be the guardian of an orphan's property." (*Sahîh*)

٣٦٩٧ - أَخْبَرَنَا الْعَبَّاسُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ يَزِيدَ عَنْ سَعِيدِ بْنِ أَبِي أَيُّوبَ، عَنْ عُبَيْدِ اللهِ بْنِ أَبِي جَعْفَرٍ، عَنْ سَالِمِ بْنِ أَبِي سَالِمٍ الْجَيْشَانِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي ذَرٍّ قَالَ: قَالَ لِي رَسُولُ اللهِ ﷺ: «يَا أَبَا ذَرٍّ! إِنِّي أَرَاكَ ضَعِيفًا، وَإِنِّي أُحِبُّ لَكَ مَا أُحِبُّ لِنَفْسِي، لَا تَأَمَّرَنَّ عَلَى اثْنَيْنِ، وَلَا تَوَلَّيَنَّ عَلَى مَالِ يَتِيمٍ».

تخريج: أخرجه مسلم، الإمارة، باب كراهة الإمارة بغير ضرورة، ح: ١٨٢٦ من حديث عبدالله ابن يزيد المقرىء به، وهو في الكبرى، ح: ٦٤٩٤ .

Comments:

1. Guardianship of the wealth of an orphan entails enormous responsibilities. It, therefore, demands a high sense of piety, compassion, and a sincere spirit of sacrifice. Not everyone possesses such lofty characteristics. Hence, hastiness and proactiveness in it are forbidden. If, however, someone is forced to take on such a responsibility, it shall have to be fulfilled. The one who does not find himself in a position to fulfill its demands, should decline to accept it.
2. 'Weak': Because the strong person is better suited for responsibility.

Chapter 11. What The Guardian Is Entitled To Of An Orphan's Property If He Takes Care Of It

(المعجم ١١) - مَا لِلْوَصِيِّ مِنْ مَالِ الْيَتِيمِ إِذَا قَامَ عَلَيْهِ (التحفة ١٠)

3698. It was narrated from 'Amr bin Shu'aib, from his father, from his grandfather, that a man came to the Prophet ﷺ and said: "I am poor and I do not have anything, and I have an orphan (under my care)." He said: "Eat from the property of your orphan without being extravagant, wasteful or keeping it as capital for yourself." (*Hasan*)

٣٦٩٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ حُسَيْنٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ فَقَالَ: إِنِّي فَقِيرٌ لَيْسَ لِي شَيْءٌ وَلِي يَتِيمٌ، قَالَ: «كُلْ مِنْ مَالِ يَتِيمِكَ غَيْرَ مُسْرِفٍ وَلَا مُبَاذِرٍ وَلَا مُتَأَثِّلٍ».

تخريج: [إسناده حسن] أخرجه أبو داود، الوصايا، باب ماجاء في ما لولي اليتيم أن ينال من مال اليتيم، ح:٢٨٧٢ من حديث عمرو بن شعيب به، وهو في الكبرٰى، ح:٦٤٩٥، وصححه ابن خزيمة، وابن الجارود، ح:٩٥٢ وغيرهما.

٣٦٩٩ - أَخْبَرَنَا أَحْمَدُ بْنُ عُثْمَانَ بْنِ حَكِيمٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ الصَّلْتِ قَالَ: حَدَّثَنَا أَبُو كُدَيْنَةَ عَنْ عَطَاءٍ - وَهُوَ ابْنُ السَّائِبِ - عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَمَّا نَزَلَتْ هٰذِهِ الْآيَةُ ﴿وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ﴾ [الأنعام: ١٥٢] و﴿إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا﴾ [النساء: ١٠] قَالَ: اجْتَنَبَ النَّاسُ مَالَ الْيَتِيمِ وَطَعَامَهُ، فَشَقَّ ذٰلِكَ عَلَى الْمُسْلِمِينَ، فَشَكَوْا ذٰلِكَ إِلَى النَّبِيِّ ﷺ، فَأَنْزَلَ اللهُ ﴿وَيَسْأَلُونَكَ عَنِ الْيَتَامَىٰ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ﴾ إِلَى قَوْلِهِ: ﴿لَأَعْنَتَكُمْ﴾ [البقرة: ٢٢٠].

3699. It was narrated that Ibn 'Abbâs said: "When these Verses were revealed – 'And come not near to the orphan's property, except to improve it,'[1] and 'Verily, those who unjustly eat up the property of orphans'[2] – the people avoided the property and food of the orphans. That caused hardship to the Muslims and they complained about that to the Prophet ﷺ. Then Allâh revealed: 'And they ask you concerning orphans. Say: The best thing is to work honestly in their property, and if you mix your affairs with theirs, then they are your brothers. And Allâh knows him who means mischief (e.g. to swallow their property) from him who means good (e.g. to save their property). And if Allâh had wished, He could have put you into difficulties'"[3] ***(Da'îf)***

تخريج: [إسناده ضعيف] أخرجه أبو داود، الوصايا، باب مخالطة اليتيم في الطعام، ح:٢٨٧١ من حديث عطار به، واختلط، وهو في الكبرٰى، ح:٦٤٩٦، وصححه الحاكم:٢/ ٢٧٨، ٢٧٩، ووافقه الذهبي، وللحديث شواهد ضعيفة عند الطبراني في تفسيره:٢/ ٣٧١، ٣٧٢ وغيره، وحديث الطبراني في المعجم الكبير:٤/ ١٤، ح:٣٥٠٢ يغني عنه، وسنده حسن.

٣٧٠٠ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عِمْرَانُ بْنُ عُيَيْنَةَ قَالَ: حَدَّثَنَا عَطَاءُ بْنُ السَّائِبِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ

3700. It was narrated that Ibn 'Abbâs said – concerning the Verse: "Verily, those who unjustly eat up the property of orphans"[4] – A man would have an orphan in

[1] *Al-An'âm* 7:152.
[2] *An-Nisâ'* 4:10.
[3] *Al-Baqarah* 2:220.
[4] *An-Nisâ'* 4:10.

his care, and he would keep his food, drink and vessels separate. This caused hardship to the Muslims, so Allâh, the Mighty and Sublime, revealed: "And they ask you concerning orphans. Say: The best thing is to work honestly in their property, and if you mix your affairs with theirs, then they are your brothers"[1] (in religion), so it is permissible for you to mix with them. (*Hasan*)

فِي قَوْلِهِ: ﴿إِنَّ ٱلَّذِينَ يَأْكُلُونَ أَمْوَٰلَ ٱلْيَتَـٰمَىٰ ظُلْمًا﴾ قَالَ: كَانَ يَكُونُ فِي حَجْرِ الرَّجُلِ الْيَتِيمُ، فَيَعْزِلُ لَهُ طَعَامَهُ وَشَرَابَهُ وَآنِيَتَهُ، فَشَقَّ ذٰلِكَ عَلَى الْمُسْلِمِينَ، فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ ﴿وَإِن تُخَالِطُوهُمْ فَإِخْوَٰنُكُمْ﴾ [البقرة: ٢٢٠] [فِي الدِّينِ]، فَأَحَلَّ لَهُمْ خُلْطَتَهُمْ.

تخريج: [حسن] أخرجه ابن أبي حاتم في تفسيره: ٢/ ٣٩٥، ح: ٢٠٨١ من حديث عمران به، وهو في الكبرى، ح: ٦٤٩٧، وانظر الحديث السابق.

Comments:

In every society, if there is an orphan or two they reside together with the other members of the household. They eat and drink jointly. This sort of arrangement is advantageous to them also, because if they eat and drink separately, it would entail more expenses. The Arabs also followed the same system. When this Verse was revealed, people were frightened, lest anything belonging to orphans enter our bellies. They, therefore, separated the wealth for the food and drink of the orphans, out of piety and heedfulness of Allâh, though such was not the objective of the Divine law. When this produced several hardships in the society, Allâh, Most High, clarified the situation by revealing another Verse - that if the intention is of well being and sympathy or compassion, there is no harm in keeping them together. The primary objective is the well being of the orphans, whatever way it is achieved

Chapter 12. Avoiding Consuming The Orphan's Property

(المعجم ١٢) - **اجْتِنَابُ أَكْلِ مَالِ الْيَتِيمِ** (التحفة ١١)

3701. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Avoid the seven sins that doom one to Hell." It was said: "O Messenger of Allâh, what are they?" He said: "Associating others with Allâh (*Shirk*), magic, killing a soul whom Allâh has forbidden killing, except in cases

٣٧٠١ - أَخْبَرَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ سُلَيْمَانَ بْنِ بِلَالٍ، عَنْ ثَوْرِ بْنِ يَزِيدَ، عَنْ أَبِي الْغَيْثِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «اجْتَنِبُوا السَّبْعَ الْمُوبِقَاتِ». قِيلَ: يَا رَسُولَ اللهِ! مَا هِيَ؟ قَالَ: «الشِّرْكُ بِاللّٰهِ، وَالسِّحْرُ، وَقَتْلُ

[1] *Al-Baqarah* 2:220.

dictated by Islamic law, consuming *Ribâ*, consuming the property of orphans, fleeing on the day of the march (to battlefield), and slandering chaste women who never even think of anything touching their chastity and are good believers." (***Sahîh***)

النَّفْسِ الَّتِي حَرَّمَ اللهُ إِلَّا بِالْحَقِّ، وَأَكْلُ الرِّبَا، وَأَكْلُ مَالِ الْيَتِيمِ، وَالتَّوَلِّي يَوْمَ الزَّحْفِ، وَقَذْفُ الْمُحْصَنَاتِ الْغَافِلَاتِ الْمُؤْمِنَاتِ».

تخريج: أخرجه مسلم، الإيمان، باب الكبائر وأكبرها، ح:٨٩ من حديث ابن وهب، والبخاري، الوصايا، باب قول الله تعالى: ﴿إن الذين يأكلون أموال اليتامى ظلمًا ...﴾ إلخ ح:٢٧٦٦ من حديث سليمان بن بلال به، وهو في الكبرى، ح:٦٤٩٨.

31. The Book Of Presents (*An-Nihal*)[1]

(المعجم ٣١) - كِتَابُ النُّحْلِ
(التحفة ١٤)

Chapter 1. Different Versions Of The Report Of Nu'mân Bin Bashîr Concerning Presents

(المعجم ١) - ذِكْرُ اخْتِلَافِ أَلْفَاظِ النَّاقِلِينَ لِخَبَرِ نُعْمَانَ بْنِ بَشِيرٍ فِي النُّحْلِ (التحفة ...)

3702. It was narrated from An-Nu'mân bin Bashîr that his father gave him a slave as a present, then he came to the Prophet ﷺ to ask him to bear witness (to that). He said: "Have you given a present to all of your children?" He said: "No." He said: "Then take it back." This wording is that of (one of the narrators) Muhammad. (*Sahîh*)

٣٧٠٢ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ حُمَيْدٍ؛ ح وَأَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ عَنْ سُفْيَانَ قَالَ: سَمِعْنَاهُ مِنَ الزُّهْرِيِّ: أَخْبَرَنِي حُمَيْدُ بْنُ عَبْدِ الرَّحْمٰنِ وَمُحَمَّدُ بْنُ النُّعْمَانِ عَنِ النُّعْمَانِ بْنِ بَشِيرٍ: أَنَّ أَبَاهُ نَحَلَهُ غُلَامًا، فَأَتَى النَّبِيَّ ﷺ يُشْهِدُهُ، فَقَالَ: «أَكُلَّ وَلَدِكَ نَحَلْتَ؟» قَالَ: لَا، قَالَ: «فَارْدُدْهُ». وَاللَّفْظُ لِمُحَمَّدٍ.

تخريج: أخرجه مسلم، الهبات، باب كراهة تفضيل بعض الأولاد في الهبة، ح:١٦٢٣/١١ عن قتيبة، والبخاري، الهبة، باب الهبة للولد، ح:٢٥٨٦ من حديث الزهري به، وهو في الكبرٰى، ح:٦٤٩٩.

Comments:

1. The tie of relationship between children and father is very close. A slight diversion of it becomes the cause of many evils. Hence, there is guidance from the Divine law that a man ought to treat his children equally so that no one has the feeling of deprivation. Giving a present to one son only might create a feeling of hatred among the other sons toward this son (to whom the present was given) and the father. And its consequences could be formidable. That is why one is forbidden from indulging in such practices, and it has been commanded that a man ought to treat his children equally in giving presents, and not prefer some over others. If one desires to give, each one should be given equally. There is, however, disagreement over whether a daughter and a son be given equally or a son should be given twofold, as is done in the case

[1] *An-Nihal* or presents; most of the linguists explain that it is something given without expecting something in return. Similar was stated by Ibn Hajar in explanation of Nos. 2586-2587 of *Al-Bukhârî*. It is often used as a synonym for other words that mean "gift."

of inheritance.

2. This equality is only in the matter of gifts and presents. So far as the disbursement of maintenance remains, therein the portion shall be decided accordingly. For instance, each one's expenses concerning food, drink, clothes, education, and marriage, etc., cannot be equal. These would be governed by necessity.

3703. It was narrated from An-Nu'mân bin Bashîr that his father brought him to the Messenger of Allâh ﷺ and said: "I have given my son a slave of mine as a present." The Messenger of Allâh ﷺ said: "Have you given a present to all of your children?" He said: "No." The Messenger of Allâh ﷺ said: "Then take (your present) back." (*Sahîh*)

٣٧٠٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ، عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمٰنِ وَمُحَمَّدِ ابْنِ النُّعْمَانِ يُحَدِّثَانِهِ عَنِ النُّعْمَانِ بْنِ بَشِيرٍ: أَنَّ أَبَاهُ أَتَى بِهِ رَسُولَ اللهِ ﷺ فَقَالَ: إِنِّي نَحَلْتُ ابْنِي غُلَامًا كَانَ لِي، فَقَالَ رَسُولُ اللهِ ﷺ: «أَكُلَّ وَلَدِكَ نَحَلْتَهُ؟» قَالَ: لَا، قَالَ رَسُولُ اللهِ ﷺ: «فَارْجِعْهُ».

تخريج: أخرجه البخاري، ح:٢٥٨٦، ومسلم، ح:١٦٢٣/٩ من حديث مالك به (انظر الحديث السابق)، وهو في الموطأ (يحيى): ٢/٧٥١، ٧٥٢، والكبرٰى، ح:٦٥٠٠.

Comments:

In an authentic *Hadîth*, taking back a present after giving is forbidden. But a father may take it back from his own children.

3704. It was narrated from An-Nu'mân bin Bashîr that his father Bashîr bin Sa'd brought An-Nu'mân with him and said: "O Messenger of Allâh, I have given this son of mine a slave who belonged to me as a present." The Messenger of Allâh ﷺ said: "Have you given a present to all your children?" He said: "No." He said: "Then take (your present) back." (*Sahîh*)

٣٧٠٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ هَاشِمٍ قَالَ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنِ الزُّهْرِيِّ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمٰنِ وَعَنْ مُحَمَّدِ بْنِ النُّعْمَانِ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ: أَنَّ أَبَاهُ بَشِيرَ بْنَ سَعْدٍ جَاءَ بِابْنِهِ النُّعْمَانِ، فَقَالَ: يَا رَسُولَ اللهِ! إِنِّي نَحَلْتُ ابْنِي هٰذَا غُلَامًا كَانَ لِي، فَقَالَ رَسُولُ اللهِ ﷺ: «أَكُلَّ بَنِيكَ نَحَلْتَ؟» قَالَ: لَا، قَالَ: «فَارْجِعْهُ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٥٠١ .

3705. It was narrated from Bashîr bin Sa'd that he brought An-Nu'mân to the Prophet ﷺ and said: "I want to give this son of mine a slave as a present, and if you think that I should go ahead with it, I will go ahead." The Messenger of Allâh ﷺ said: "Have you given a present to all your children?" He said: "No." He said: "Then take (your present) back." (*Ṣaḥîḥ*)

٣٧٠٥ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ قَالَ: حَدَّثَنَا الْوَلِيدُ عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ أَنَّ مُحَمَّدَ بْنَ النُّعْمَانِ وَحُمَيْدَ بْنَ عَبْدِ الرَّحْمٰنِ حَدَّثَاهُ عَنْ بَشِيرِ بْنِ سَعْدٍ: أَنَّهُ جَاءَ إِلَى النَّبِيِّ ﷺ بِالنُّعْمَانِ بْنِ بَشِيرٍ، فَقَالَ: إِنِّي نَحَلْتُ ابْنِي هٰذَا غُلَامًا فَإِنْ رَأَيْتَ أَنْ تُنْفِذَهُ أَنْفَذْتُهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَكُلَّ بَنِيكَ نَحَلْتَهُ؟» قَالَ: لَا، قَالَ: «فَارْدُدْهُ».

تخريج: [صحيح] تقدم، ح:٣٧٠٢، وهو في الكبرى، ح:٦٥٠٢ * الوليد هو ابن مسلم.

3706. It was narrated from An-Nu'mân bin Bashîr that his father gave him a present, and his mother said: "Ask the Prophet ﷺ to bear witness to what you have given to my son." So he came to the Prophet ﷺ and told him about that, and the Prophet ﷺ did not want to bear witness to it. (*Ṣaḥîḥ*)

٣٧٠٦ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ: أَنَّ أَبَاهُ نَحَلَهُ نُحْلًا، فَقَالَتْ لَهُ أُمُّهُ: أَشْهِدِ النَّبِيَّ ﷺ عَلَى مَا نَحَلْتَ ابْنِي، فَأَتَى النَّبِيَّ ﷺ فَذَكَرَ ذٰلِكَ لَهُ، فَكَرِهَ النَّبِيُّ ﷺ أَنْ يَشْهَدَ لَهُ.

تخريج: أخرجه مسلم، ح:١٦٢٣/١٢ من حديث هشام به (انظر الحديث المتقدم:٣٧٠٢)، وهو في الكبرى، ح:٦٥٠٤.

Comments:

1. 'In order to make him (the Prophet ﷺ) a witness lest other sons might begin to dispute it in future.
2. (The Prophet ﷺ) did not like to bear witness over it because it was an injustice, and to bear witness over injustice is synonymous with participation in the act of injustice.

3707. It was narrated from Bashîr that he gave his son a slave as a present, then he came to the Prophet ﷺ and he wanted the Prophet ﷺ to bear witness to that. He said: "Have you given a similar present to all of your children?" He said: "No." He said: "Then take (your present) back." (*Ṣaḥîḥ*)

٣٧٠٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْمَرٍ قَالَ: حَدَّثَنَا أَبُو عَامِرٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ سَعْدٍ - يَعْنِي ابْنَ إِبْرَاهِيمَ، عَنْ عُرْوَةَ، عَنْ بَشِيرٍ: أَنَّهُ نَحَلَ ابْنَهُ غُلَامًا، فَأَتَى النَّبِيَّ ﷺ، فَأَرَادَ أَنْ يُشْهِدَ النَّبِيَّ ﷺ، فَقَالَ: «أَكُلَّ وَلَدِكَ نَحَلْتَهُ مِثْلَ ذَا؟» قَالَ: لَا، قَالَ: «فَارْدُدْهُ».

تخريج: [**صحيح**] تقدم، ح:٣٧٠٢،٣٧٠٥، وهو في الكبرى، ح:٦٥٠٣.

3708. It was narrated from Hishâm bin 'Urwah, from his father, that Bashîr came to the Prophet ﷺ and said: "O Prophet of Allâh, I have given An-Nu'mân a present." He said: "Have you given something to his brothers?" He said: "No." He said: "Then take it back." (*Sahîh*)

٣٧٠٨ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللهِ عَنْ هِشَامِ ابْنِ عُرْوَةَ، عَنْ أَبِيهِ: أَنَّ بَشِيرًا أَتَى النَّبِيَّ ﷺ، فَقَالَ: يَا نَبِيَّ اللهِ! نَحَلْتُ النُّعْمَانَ نِحْلَةً، قَالَ: «أَعْطَيْتَ لِإِخْوَتِهِ؟» قَالَ: لَا، قَالَ: «فَارْدُدْهُ».

تخريج: [**صحيح**] تقدم، ح:٣٧٠٥، وهو في الكبرى، ح:٦٥٠٥ * عبدالله هو ابن المبارك.

3709. It was narrated that An-Nu'mân said that his father took him to the Prophet ﷺ and said: "Bear witness that I have given An-Nu'mân such and such of my wealth as a gift." He said: "Have you given all your children a present like that which you have given to An-Nu'mân?" (*Sahîh*)

٣٧٠٩ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي الشَّوَارِبِ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زُرَيْعٍ - قَالَ: حَدَّثَنَا دَاوُدُ عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ قَالَ: انْطَلَقَ بِهِ أَبُوهُ يَحْمِلُهُ إِلَى النَّبِيِّ ﷺ، قَالَ: اشْهَدْ أَنِّي قَدْ نَحَلْتُ النُّعْمَانَ مِنْ مَالِي كَذَا وَكَذَا، قَالَ: «كُلَّ بَنِيكَ نَحَلْتَ مِثْلَ الَّذِي نَحَلْتَ النُّعْمَانَ؟».

تخريج: [**إسناده صحيح**] أخرجه ابن ماجه، الهبات، باب الرجل ينحل ولده، ح:٢٣٧٥ من حديث يزيد بن زريع به، وأخرجه مسلم، ح:١٦٢٣/ ١٧ (انظر الحديث المتقدم:٣٧٠٢) من حديث داود بن أبي هند به، وهو في الكبرى، ح:٦٥٠٦، وأخرجه البخاري، ح:٢٥٨٧، ٢٦٥٠ من حديث الشعبي به.

3710. It was narrated from An-Nu'mân that his father brought him to the Prophet ﷺ to bear witness to a present that he gave to him. He said: "Have your given all you children a present like that which you have given to him?" He said: "No." He said: "I will not bear witness to anything. Will it not please you if they were all to treat you with equal respect?" He said: "Of course." He said: "Then no (I will not do it)." (*Sahîh*)

٣٧١٠ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ الْمُثَنَّى عَنْ عَبْدِ الْوَهَّابِ قَالَ: حَدَّثَنَا دَاوُدُ عَنْ عَامِرٍ، عَنِ النُّعْمَانِ: أَنَّ أَبَاهُ أَتَى بِهِ النَّبِيَّ ﷺ يُشْهِدُ عَلَى نُحْلٍ نَحَلَهُ إِيَّاهُ، فَقَالَ: «أَكُلَّ وَلَدِكَ نَحَلْتَ مِثْلَ الَّذِي نَحَلْتَهُ؟» قَالَ: لَا، قَالَ: «فَلَا أَشْهَدُ عَلَى شَيْءٍ، أَلَيْسَ يَسُرُّكَ أَنْ يَكُونُوا إِلَيْكَ فِي الْبِرِّ سَوَاءً؟» قَالَ: بَلَى، قَالَ: «فَلَا إِذًا».

تخريج: [إسناده صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٦٥٠٧ * عامر هو الشعبي، وداود هو ابن أبي هند، وعبدالوهاب هو الثقفي.

٣٧١١ - أَخْبَرَنَا مُوسَى بْنُ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ قَالَ: حَدَّثَنَا أَبُو حَيَّانَ عَنِ الشَّعْبِيِّ قَالَ: حَدَّثَنِي النُّعْمَانُ بْنُ بَشِيرٍ الْأَنْصَارِيُّ: أَنَّ أُمَّهُ ابْنَةَ رَوَاحَةَ سَأَلَتْ أَبَاهُ بَعْضَ الْمَوْهِبَةِ مِنْ مَالِهِ لِابْنِهَا فَالْتَوَى بِهَا سَنَةً، ثُمَّ بَدَا لَهُ فَوَهَبَهَا لَهُ، فَقَالَتْ: لَا أَرْضَى حَتَّى تُشْهِدَ رَسُولَ اللهِ ﷺ، فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ أُمَّ هٰذَا ابْنَةَ رَوَاحَةَ قَاتَلَتْنِي عَلَى الَّذِي وَهَبْتُ لَهُ فَقَالَ رَسُولُ اللهِ ﷺ: «يَا بَشِيرُ! أَلَكَ وَلَدٌ سِوَى هٰذَا؟» قَالَ: نَعَمْ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَفَكُلَّهُمْ وَهَبْتَ لَهُمْ مِثْلَ الَّذِي وَهَبْتَ لِابْنِكَ هٰذا؟» قَالَ: لَا، قَالَ رَسُولُ اللهِ ﷺ: «فَلَا تُشْهِدْنِي إِذًا، فَإِنِّي لَا أَشْهَدُ عَلَى جَوْرٍ».

3711. An-Nu'mân bin Bashîr Al-Ansârî narrated that his mother, the daughter of Rawâhah, asked his father to give some of his wealth to her son. He deferred that for a year, then he decided to give it to him. She said: "I will not be pleased until you ask the Messenger of Allâh ﷺ to bear witness." He said: "O Messenger of Allâh, the mother of this boy, the daughter of Rawâhah, insisted that I give a gift to him." The Messenger of Allâh ﷺ said: "O Bashîr, do you have any other children besides this one?" He said: "Yes." The Messenger of Allâh ﷺ said: "Have you given all of them a gift like that which you have given to this son of yours?" He said: "No." The Messenger of Allâh ﷺ said: "Then do not ask me to bear witness, for I will not bear witness to unfairness." (*Sahîh*)

تخريج: [صحيح] تقدم، ح:٣٧٠٢، ٣٧٠٣ وغيرهما، وهو في الكبرى، ح:٦٥٠٨ * أبوحيان وهو التيمي.

Comment:

'Call me not as witness': This does not signify that one should call someone else as witness, rather this is a way of scolding not to do such a thing. It occurs in the Qur'ân: "Let, then, him who wills, believe in it, and let him who wills, reject it." (18: 29) That is why it was called injustice, and injustice is forbidden.

٣٧١٢ - أَخْبَرَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا يَعْلَى قَالَ: حَدَّثَنَا أَبُو حَيَّانَ عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ قَالَ: سَأَلَتْ أُمِّي أَبِي بَعْضَ الْمَوْهِبَةِ فَوَهَبَهَا لِي، فَقَالَتْ: لَا أَرْضَى حَتَّى أُشْهِدَ رَسُولَ اللهِ ﷺ، قَالَ: فَأَخَذَ أَبِي بِيَدِي وَأَنَا

3712. It was narrated that An-Nu'mân said: "My mother asked my father for a gift and he gave it to me. She said: 'I will not be contented until you ask the Messenger of Allâh ﷺ to bear witness.' So my father took me by

the hand, as I was still a boy, and went to the Messenger of Allâh ﷺ. He said: 'O Messenger of Allâh, the mother of this boy, the daughter of Rawâḥah, asked me for a gift, and she wanted me to ask you to bear witness to that.' He said: 'O Bashîr, do you have any other child apart from this one?' He said: 'Yes.' He said: 'Have you given him gifts like that which you have given to this one?' He said: 'No.' He said: 'Then do not ask me to bear witness, for I will not bear witness to unfairness.'" (*Ṣaḥîḥ*)

غُلَامٌ فَأَتَى رَسُولَ اللهِ ﷺ، فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ أُمَّ هٰذَا ابْنَةَ رَوَاحَةَ طَلَبَتْ مِنِّي بَعْضَ الْمَوْهِبَةِ، وَقَدْ أَعْجَبَهَا أَنْ أُشْهِدَكَ عَلَى ذٰلِكَ، قَالَ: «يَا بَشِيرُ! أَلَكَ ابْنٌ غَيْرُ هٰذَا؟» قَالَ: نَعَمْ، قَالَ: «فَوَهَبْتَ لَهُ مِثْلَ مَا وَهَبْتَ لِهٰذَا؟» قَالَ: لَا، قَالَ: «فَلَا تُشْهِدْنِي إِذًا، فَإِنِّي لَا أَشْهَدُ عَلَى جَوْرٍ».

تخريج: [صحيح] انظر الحديث السابق، وح:٣٧٠٩، وهو في الكبرٰى، ح:٦٥٠٩ * أبو داود هو الحراني، ويعلٰى هو ابن عبيد.

3713. It was narrated that 'Âmir said: "I was told that Bashîr bin Sa'd came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, my wife 'Amrah bint Rawâḥah told me to give a gift to her son Nu'mân, and she told me to ask you to bear witness to that.' The Prophet ﷺ said: 'Do you have any other children?' He said: 'Yes.' He said: 'Have you given them something like that which you have given to this one?' He said: 'No.' He said: 'Then do not ask me to bear witness to unfairness.'" (*Ṣaḥîḥ*)

٣٧١٣ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ عَامِرٍ قَالَ: أُخْبِرْتُ أَنَّ بَشِيرَ بْنَ سَعْدٍ أَتَى رَسُولَ اللهِ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ امْرَأَتِي عَمْرَةَ بِنْتَ رَوَاحَةَ أَمَرَتْنِي أَنْ أَتَصَدَّقَ عَلَى ابْنِهَا نُعْمَانَ بِصَدَقَةٍ، وَأَمَرَتْنِي أَنْ أُشْهِدَكَ عَلَى ذٰلِكَ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «هَلْ لَكَ بَنُونَ سِوَاهُ؟» قَالَ: نَعَمْ، قَالَ: «فَأَعْطَيْتَهُمْ مِثْلَ مَا أَعْطَيْتَ لِهٰذَا؟» قَالَ: لَا، قَالَ: «فَلَا تُشْهِدْنِي عَلَى جَوْرٍ».

تخريج: [صحيح] تقدم، ح:٣٧٠٥ وغيره، وهو في الكبرٰى، ح:٦٥١٠ * عامر هو الشعبي، وإسماعيل هو ابن أبي خالد، ومحمد بن عبيد هو الطنافسي.

3714. It was narrated from 'Abdullâh bin 'Utbah bin Mas'ûd that a man came to the Prophet ﷺ and said: "I have given a gift to my son, so bear witness." He said: "Do

٣٧١٤ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا زَكَرِيَّا عَنْ عَامِرٍ: حَدَّثَنِي عَبْدُ اللهِ بْنُ عُتْبَةَ بْنِ مَسْعُودٍ؛ ح أَخْبَرَنَا

مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللهِ عَنْ زَكَرِيَّا، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ اللهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ: أَنَّ رَجُلًا جَاءَ إِلَى النَّبِيِّ ﷺ - وَقَالَ مُحَمَّدٌ: أَتَى النَّبِيَّ ﷺ - فَقَالَ: إِنِّي تَصَدَّقْتُ عَلَى ابْنِي بِصَدَقَةٍ فَاشْهَدْ، فَقَالَ: «هَلْ لَكَ وَلَدٌ غَيْرُهُ؟» قَالَ: نَعَمْ، قَالَ: «أَعْطَيْتَهُمْ كَمَا أَعْطَيْتَهُ؟» قَالَ: لَا، قَالَ: «أَأَشْهَدُ عَلَى جَوْرٍ؟!».

you have any other children?" He said: "Yes." He said: "Have you given them something like that which you have given him?" He said: "No." He said: "Shall I bear witness to unfairness?" (*Ṣaḥîḥ*)

تخريج: [**صحيح**] وهو في الكبرى، ح:٦٥١١، وللحديث شواهد عند البخاري، ح:٢٦٥٠ وغيره، وانظر الأحاديث السابقة.

٣٧١٥ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ عَنْ يَحْيَى، عَنْ فِطْرٍ قَالَ: حَدَّثَنِي مُسْلِمُ بْنُ صُبَيْحٍ قَالَ: سَمِعْتُ النُّعْمَانَ بْنَ بَشِيرٍ يَقُولُ: ذَهَبَ بِي أَبِي إِلَى النَّبِيِّ ﷺ يُشْهِدُهُ عَلَى شَيْءٍ أَعْطَانِيهِ، فَقَالَ: «أَلَكَ وَلَدٌ غَيْرُهُ؟» قَالَ: نَعَمْ، وَصَفَّ بِيَدِهِ بِكَفِّهِ أَجْمَعَ كَذَا: «أَلَا سَوَّيْتَ بَيْنَهُمْ».

3715. An-Nu'mân bin Bashîr said: "My father took me to the Prophet ﷺ to ask him to bear witness to something that he had given to me. He said: 'Do you have any other children?' He said: 'Yes.' He gestured with his hand held horizontally like this, (saying): 'Why don't you treat them all equally?'" (*Ṣaḥîḥ*)

تخريج: [**إسناده صحيح**] أخرجه أحمد:٤/٢٦٨، ٢٧٦ من حديث فطر بن خليفة به، وهو في الكبرى، ح:٦٥١٢.

٣٧١٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ فِطْرٍ، عَنْ مُسْلِمِ بْنِ صُبَيْحٍ قَالَ: سَمِعْتُ النُّعْمَانَ يَقُولُ وَهُوَ يَخْطُبُ: انْطَلَقَ بِي أَبِي إِلَى رَسُولِ اللهِ ﷺ يُشْهِدُهُ عَلَى عَطِيَّةٍ أَعْطَانِيهَا، فَقَالَ: «هَلْ لَكَ بَنُونَ سِوَاهُ؟» قَالَ: نَعَمْ، قَالَ: «سَوِّ بَيْنَهُمْ».

3716. An-Nu'mân said, when he was delivering a *Khuṭbah*: "My father took me to the Messenger of Allâh to ask him to bear witness to a gift that he had given me. He said: 'Do you have any other children besides him?' He said: 'Yes.' He said: 'Treat them equally.'" (*Ṣaḥîḥ*)

تخريج: [**إسناده صحيح**] انظر الحديث السابق، وهو في الكبرى، ح:٦٥١٣ * عبدالله هو ابن المبارك.

3717. An-Nu'mân bin Bashîr delivered a *Khuṭbah* and said: "The Messenger of Allâh ﷺ said: 'Treat your children fairly, treat your children fairly.'" (***Ṣaḥîḥ***)

٣٧١٧ - أَخْبَرَنَا يَعْقُوبُ بْنُ سُفْيَانَ قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا حَمَّادُ ابْنُ زَيْدٍ عَن حَاجِبِ بْنِ الْمُفَضَّلِ بْنِ الْمُهَلَّبِ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ النُّعْمَانَ بْنَ بَشِيرٍ يَخْطُبُ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «اعْدِلُوا بَيْنَ أَبْنَائِكُمْ، اعْدِلُوا بَيْنَ أَبْنَائِكُمْ».

تخريج: [إسناده صحيح] أخرجه أبو داود، البيوع، باب: في الرجل يفضل بعض ولده، ح:٣٥٤٤ من حديث سليمان بن حرب به، وأصله متفق عليه، وهو في الكبرٰى، ح:٦٥١٤ .

32. The Book Of Gifts (*Al-Hibah*)[1]

(المعجم ٣٢) - كِتَابُ الهِبَةِ
(التحفة ١٥)

Chapter 1. A Gift Given To Everyone

(المعجم ١) - هِبَةِ الْمُشَاعِ (التحفة ١)

Comments:

A *Hiba* is defined as the transfer of the possession of property from one person to the other, providing it is done without the intention of getting reward. If it is done with the intention of gaining reward or *Thawâb*, then it is called charity or *Sadaqah*. Sometimes, both these terms are used interchangeably for each other.

3718. It was narrated from 'Amr bin Shu'aib, from his father, that his grandfather said: "We were with the Messenger of Allâh ﷺ when the delegation of Hawâzin came to him and said: 'O Muḥammad! We are one of the 'Arab tribes and a calamity has befallen us of which you are well aware. Do us a favor, may Allâh bless you.' He said: 'Choose between your wealth or your women and children.'[2] They said: 'You have given us a choice between our families and our wealth; we choose our women and children.' The Messenger of Allâh ﷺ said: 'As for that which was allocated to myself and to Banu 'Abdul-Muttalib, it is yours. When I have prayed *Zuhr*, stand up and say: "We seek the help of the Messenger of Allâh in dealing with the believers, or the Muslims, with

٣٧١٨ - أَخْبَرَنَا عَمْرُو بْنُ يَزِيدَ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: كُنَّا عِنْدَ رَسُولِ اللهِ ﷺ إِذْ أَتَتْهُ وَفْدُ هَوَازِنَ، فَقَالُوا: يَا مُحَمَّدُ! إِنَّا أَصْلٌ وَعَشِيرَةٌ، وَقَدْ نَزَلَ بِنَا مِنَ الْبَلَاءِ مَا لَا يَخْفَى عَلَيْكَ، فَامْنُنْ عَلَيْنَا مَنَّ اللهُ عَلَيْكَ، فَقَالَ: «اخْتَارُوا مِنْ أَمْوَالِكُمْ أَوْ مِنْ نِسَائِكُمْ وَأَبْنَائِكُمْ» فَقَالُوا: [قَدْ] خَيَّرْتَنَا بَيْنَ أَحْسَابِنَا وَأَمْوَالِنَا بَلْ نَخْتَارُ نِسَاءَنَا وَأَبْنَاءَنَا، فَقَالَ رَسُولُ اللهِ ﷺ: «أَمَّا مَا كَانَ لِي وَلِبَنِي عَبْدِ الْمُطَّلِبِ فَهُوَ لَكُمْ، فَإِذَا صَلَّيْتُ الظُّهْرَ فَقُومُوا فَقُولُوا: إِنَّا نَسْتَعِينُ بِرَسُولِ اللهِ عَلَى الْمُؤْمِنِينَ أَوِ الْمُسْلِمِينَ فِي نِسَائِنَا وَأَبْنَائِنَا» فَلَمَّا صَلَّوا الظُّهْرَ قَامُوا فَقَالُوا ذٰلِكَ،

[1] A more general term for "gift" than *Niḥal*, and it is used in the previous chapter, where the narrations state a "gift" rather than a present.

[2] The meaning becomes clear in the remainder of the narration.

regard to our women and children.'" So when they prayed *Zuhr*, they stood up and said that. The Messenger of Allâh ﷺ said: 'As for that which was allocated to myself and to Banu 'Abdul-Muttalib, it is yours.' The *Muhâjirûn* said: 'That which was allocated to us is for the Messenger of Allâh ﷺ.' The *Anṣâr* said: 'That which was allocated to us is for the Messenger of Allâh ﷺ.' Al-Aqra' bin Hâbis said: 'As for myself and Banu Tamîm, then no (we will not give it up).' 'Uyaynah bin Hiṣn said: 'As for myself and Banu Fazârah, then no (we will not give it up).' Al-'Abbâs bin Mirdâs said: 'As for myself and Banu Sulaim, then no (we will not give it up).' Banu Sulaim stood up and said: 'You lied; whatever was allocated to us, it is for the Messenger of Allâh ﷺ.' The Messenger of Allâh ﷺ said: 'O people, give their women and children back to them. Whoever gives back anything of these spoils of war, he will have six camels from the spoils of war that Allâh grants us next.' Then he mounted his riding-animal and the people surrounded him, saying: 'Distribute our spoils of war among us.' They made him go back toward a tree on which his *Ridâ'* (upper-wrap) got caught. He said: 'O people! Give me back my *Ridâ'*. By Allâh! If there were cattle as many in number as the trees of Tihâmah I would distribute them among you, then you would not find me a miser, a coward or a liar.' Then he went to a camel and took a hair from its hump between two of his

فَقَالَ رَسُولُ اللهِ ﷺ: «فَمَا كَانَ لِي وَلِبَنِي عَبْدِ الْمُطَّلِبِ فَهُوَ لَكُمْ». فَقَالَ الْمُهَاجِرُونَ: وَمَا كَانَ لَنَا فَهُوَ لِرَسُولِ اللهِ ﷺ، وَقَالَتِ الْأَنْصَارُ: مَا كَانَ لَنَا فَهُوَ لِرَسُولِ اللهِ ﷺ، فَقَالَ الْأَقْرَعُ بْنُ حَابِسٍ: أَمَّا أَنَا وَبَنُو تَمِيمٍ فَلَا، وَقَالَ عُيَيْنَةُ بْنُ حِصْنٍ: أَمَّا أَنَا وَبَنُو فَزَارَةَ فَلَا، وَقَالَ الْعَبَّاسُ بْنُ مِرْدَاسٍ: أَمَّا أَنَا وَبَنُو سُلَيْمٍ فَلَا، فَقَامَتْ بَنُو سُلَيْمٍ فَقَالُوا: كَذَبْتَ مَا كَانَ لَنَا فَهُوَ لِرَسُولِ اللهِ ﷺ، فَقَالَ رَسُولُ اللهِ ﷺ: «يَاأَيُّهَا النَّاسُ! رُدُّوا عَلَيْهِمْ نِسَاءَهُمْ وَأَبْنَاءَهُمْ، فَمَنْ تَمَسَّكَ مِنْ هٰذَا الْفَيْءِ بِشَيْءٍ فَلَهُ سِتُّ فَرَائِضَ مِنْ أَوَّلِ شَيْءٍ يُفِيئُهُ اللهُ [عَزَّ وَجَلَّ] عَلَيْنَا» وَرَكِبَ رَاحِلَتَهُ وَرَكِبَ النَّاسُ، اقْسِمْ عَلَيْنَا فَيْئَنَا، فَأَلْجَأُوهُ إِلَى شَجَرَةٍ فَخَطِفَتْ رِدَاءَهُ، فَقَالَ: «يَا أَيُّهَا النَّاسُ! رُدُّوا عَلَيَّ رِدَائِي، فَوَاللّٰهِ! لَوْ أَنَّ لَكُمْ شَجَرَ تِهَامَةَ نَعَمًا قَسَمْتُهُ عَلَيْكُمْ ثُمَّ لَمْ تَلْقَوْنِي بَخِيلًا وَلَا جَبَانًا وَلَا كَذُوبًا» ثُمَّ أَتَى بَعِيرًا فَأَخَذَ مِنْ سَنَامِهِ وَبَرَةً بَيْنَ أُصْبُعَيْهِ ثُمَّ يَقُولُ: «هَا إِنَّهُ لَيْسَ لِي مِنَ الْفَيْءِ شَيْءٌ وَلَا هٰذِهِ إِلَّا خُمُسٌ، وَالْخُمُسُ مَرْدُودٌ فِيكُمْ» فَقَامَ إِلَيْهِ رَجُلٌ بِكُبَّةٍ مِنْ شَعْرٍ فَقَالَ: يَا رَسُولَ اللهِ! أَخَذْتُ هٰذِهِ لِأُصْلِحَ بِهَا بَرْذَعَةَ بَعِيرٍ لِي، فَقَالَ: «أَمَّا مَا كَانَ لِي وَلِبَنِي عَبْدِ الْمُطَّلِبِ فَهُوَ لَكَ» فَقَالَ: أَوَ بَلَغَتْ هٰذِهِ!؟ فَلَا أَرَبَ لِي فِيهَا، فَنَبَذَهَا وَقَالَ: «يَا أَيُّهَا النَّاسُ! أَدُّوا الْخِيَاطَ وَالْمِخْيَطَ، فَإِنَّ الْغُلُولَ يَكُونُ عَلَى أَهْلِهِ عَارًا وَشَنَارًا يَوْمَ الْقِيَامَةِ».

fingers and said: 'Look! I do not have any of the spoils of war. All I have is the *Khums*, and the *Khums* will be given back to you.' A man stood up holding a ball of yarn made from goat hair and said: 'O Messenger of Allâh, I took this to fix my camel-saddle.' He said: 'What was allocated to myself and to Banu 'Abdul-Muttalib is for you.' He said: 'Is this so important? I don't need it! And he threw it down.' He said: 'O people! Give back even needles large and small, for *Al-Ghulûl*[1] will be (a source of) shame a disgrace for those who took it on the Day of Resurrection."' (*Hasan*)

تخريج: [إسناده حسن] أخرجه أبو دادو، الجهاد، باب: في فداء الأسير بالمال، ح:٢٦٩٤ من حديث حماد بن سلمة به، وهو في الكبرٰى، ح:٦٥١٥ * ابن إسحاق صرح بالسماع عند ابن الجارود، ح:١٠٨٠ وغيره، والحديث في السيرة لابن هشام، ح:٢٠٣ بتحقيقي.

Comments:

1. This incident belongs to the Battle of Hunain. After the Conquest of Makkah, Allâh's Messenger ﷺ came to know that Banu Hawâzin, etc., were assembling an army to challenge the Muslims. Allâh's Messenger ﷺ decided to fight them. When the battle was fought, Banu Hawâzin met with defeat. Their wives, children, camels, goats, almost everything fell into the hands of the Muslims, because of their foolhardiness.
2. 'Myself and to Banu Abdul Muttalib': These words posit the theme of the chapter that the shares of his (the Prophet ﷺ) and Abdul Muttalib's household were not separate. It was rather included in its totality, which Allâh's Messenger ﷺ gifted or pardoned. Hence, making a gift of a shared thing is lawful.

Chapter 2. A Father Taking Back That Which He Gave To His Son, And Mentioning The Varying Reports Of The Narrators For The Report On That

(المعجم ٢) - رُجُوعُ الوَالِدِ فِيمَا يُعْطِي وَلَدَهُ وَذِكْرُ اخْتِلَافِ النَّاقِلِينَ لِلخَبَرِ فِي ذَلِكَ (التحفة ٢)

3719. It was narrated from 'Amr bin Shu'aib, from his father, that

٣٧١٩ - أَخْبَرَنَا أَحْمَدُ بْنُ حَفْصٍ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي إِبْرَاهِيمُ عَنْ سَعِيدِ

[1] Things pilfered from the spoils of war prior to their distribution.

ابْنِ أَبِي عَرُوبَةَ، عَنْ عَامِرٍ الْأَحْوَلِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَرْجِعُ أَحَدٌ فِي هِبَتِهِ إِلَّا وَالِدٌ مِنْ وَلَدِهِ، وَالْعَائِدُ فِي هِبَتِهِ كَالْعَائِدِ فِي قَيْئِهِ».

his grandfather said: "The Messenger of Allâh ﷺ said: 'No one should take back his gift except a father (taking back a gift) from his son. The one who takes back his gift is like one who goes back to his vomit.'" (*Ṣaḥîḥ*)

تخريج: [**صحيح**] أخرجه ابن ماجه، الهبات، باب من أعطى ولده ثم رجع فيه، ح:٢٣٧٨ من حديث سعيد بن أبي عروبة به، وتابعه عبدالوارث عن عامر به، والبيهقي:٦/١٧٩ وعبد الأعلى عند ابن ماجه، وهو في الكبرى، ح:٦٥١٦ * إبراهيم هو ابن طهمان.

Comments:

We learn two issues from this narration: (1) Taking back or returning in the matter of gift is unlawful. (2) For a father, returning or taking back is permissible.

٣٧٢٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ حُسَيْنٍ، عَنْ عَمْرِو ابْنِ شُعَيْبٍ، قَالَ: حَدَّثَنِي طَاوُسٌ عَنِ ابْنِ عُمَرَ وَابْنِ عَبَّاسٍ يَرْفَعَانِ الْحَدِيثَ إِلَى النَّبِيِّ ﷺ قَالَ: «لَا يَحِلُّ لِرَجُلٍ يُعْطِي عَطِيَّةً ثُمَّ يَرْجِعُ فِيهَا إِلَّا الْوَالِدَ فِيمَا يُعْطِي وَلَدَهُ، وَمَثَلُ الَّذِي يُعْطِي عَطِيَّةً ثُمَّ يَرْجِعُ فِيهَا كَمَثَلِ الْكَلْبِ أَكَلَ حَتَّى إِذَا شَبِعَ قَاءَ ثُمَّ عَادَ فِي قَيْئِهِ».

3720. It was narrated from Ibn 'Umar and Ibn 'Abbâs, who attributed the *Ḥadîth* to the Prophet ﷺ: "It is not permissible for a man to give a gift and then take it back except a father taking back what he gave to his son. The likeness of the one who gives a gift then takes it back is that of the dog which eats until it is full, then it vomits, and goes back to its vomit." (***Hasan***)

تخريج: [**إسناده حسن**] أخرجه أبو دادو، الجهاد، باب: في فداء الأسير بالمال، ح:٢٦٩٤ من حديث حماد بن سلمة به، وهو في الكبرى، ح:٦٥١٥ * ابن إسحاق صرح بالسماع عند ابن الجارود، ح:١٠٨٠ وغيره، والحديث في السيرة لابن هشام، ح:٢٠٣ بتحقيقي.

٣٧٢١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ الْخَلَنْجِيُّ الْمَقْدِسِيُّ قَالَ: حَدَّثَنَا أَبُو سَعِيدٍ - وَهُوَ مَوْلَى بَنِي هَاشِمٍ - عَنْ وُهَيْبٍ قَالَ: حَدَّثَنَا ابْنُ طَاوُسٍ عَنْ أَبِيهِ عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعَائِدُ فِي هِبَتِهِ كَالْكَلْبِ يَقِيءُ ثُمَّ يَعُودُ فِي قَيْئِهِ».

3721. It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'The one who takes back his gift is like the dog which vomits then goes back to its vomit.'" (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، الهبة، باب هبة الرجل لامرأته والمرأة لزوجها، ح:٢٥٨٩، ومسلم، الهبات، باب تحريم الرجوع في الصدقة بعد القبض إلا ما وهبه، لولده وإن سفل، ح:١٦٢٢ من حديث وهيب بن خالد به، وهو في الكبرى، ح:٦٥٢١.

3722. It was narrated that Ṭâwûs said: "The Messenger of Allâh ﷺ said: 'It is not permissible for anyone to give a gift then take it back, except from one's son.'" Ṭâwûs said: "When I was young I used to hear (the phrase), 'The one who goes back to his vomit,' but we did not realize that this was a similitude." He said: "The likeness of the one who does that is that of a dog which eats then vomits, then goes back to its vomit." (*Ṣaḥîḥ*)

٣٧٢٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللهِ عَنْ إِبْرَاهِيمَ ابْنِ نَافِعٍ، عَنِ الْحَسَنِ بْنِ مُسْلِمٍ، عَنْ طَاوُسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَحِلُّ لِأَحَدٍ أَنْ يَهَبَ هِبَةً ثُمَّ يَرْجِعَ فِيهَا إِلَّا مِنْ وَلَدِهِ» قَالَ طَاوُسٌ: كُنْتُ أَسْمَعُ وَأَنَا صَغِيرٌ: عَائِدٌ فِي قَيْئِهِ فَلَمْ نَدْرِ أَنَّهُ ضَرَبَ لَهُ مَثَلًا قَالَ: «فَمَنْ فَعَلَ ذٰلِكَ فَمَثَلُهُ كَمَثَلِ الْكَلْبِ يَأْكُلُ ثُمَّ يَقِيءُ ثُمَّ يَعُودُ فِي قَيْئِهِ».

تخريج: [**صحيح**]وهو في الكبرى، ح:٦٥٢٢، وللحديث شواهد كثيرة، منها الأحاديث السابقة * عبدالله هو ابن المبارك.

Chapter 3. Mentioning The Different Reports From 'Abdullâh Bin 'Abbâs About It

(المعجم ٣) - ذِكْرُ الِاخْتِلَافِ لِخَبَرِ عَبْدِ اللهِ ابْنِ عَبَّاسٍ فِيهِ (التحفة ٢) - أ

3723. 'Abdullâh bin 'Abbâs said: "The Messenger of Allâh ﷺ said: 'The likeness of the one who takes back his gift, is that of a dog which goes back to its vomit and eats it.'" (*Ṣaḥîḥ*)

٣٧٢٣ - أَخْبَرَنَا مَحْمُودُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا عُمَرُ عَنِ الْأَوْزَاعِيِّ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ عَلِيِّ بْنِ حُسَيْنٍ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ قَالَ: حَدَّثَنِي عَبْدُ اللهِ بْنُ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَثَلُ الَّذِي يَرْجِعُ فِي صَدَقَتِهِ كَمَثَلِ الْكَلْبِ يَرْجِعُ فِي قَيْئِهِ فَيَأْكُلُهُ».

تخريج: أخرجه مسلم، الهبات، باب تحريم الرجوع في الصدقة بعد القبض ... إلخ، ح:١٦٢٢ من حديث الأوزاعي، أخرجه البخاري، الهبة، باب: لا يحل لأحد أن يرجع في هبته وصدقته، ح:٢٦٢١ من حديث سعيد بن المسيب به، وهو في الكبرى، ح:٦٥٢٣.

3724. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said:

٣٧٢٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ:

حَدَّثَنَا عَبْدُ الصَّمَدِ قَالَ: حَدَّثَنَا حَرْبٌ - وَهُوَ ابْنُ شَدَّادٍ - قَالَ: حَدَّثَنِي يَحْيَى - هُوَ ابْنُ أَبِي كَثِيرٍ - قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمٰنِ بْنُ عَمْرٍو - هُوَ الْأَوْزَاعِيُّ -: أَنَّ مُحَمَّدَ بْنَ عَلِيِّ بْنِ حُسَيْنِ ابْنِ فَاطِمَةَ بِنْتِ رَسُولِ اللهِ ﷺ حَدَّثَهُ عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَثَلُ الَّذِي يَتَصَدَّقُ بِالصَّدَقَةِ ثُمَّ يَرْجِعُ فِيهَا كَمَثَلِ الْكَلْبِ قَاءَ ثُمَّ عَادَ فِي قَيْئِهِ فَأَكَلَهُ».

"The likeness of the one who gives a gift then takes it back, is that of a dog which vomits, then goes back to its vomit and eats it." (*Ṣaḥîḥ*)

تخريج: [**صحيح**] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٥٢٤.

٣٧٢٥ - **أَخْبَرَنَا** الْهَيْثَمُ بْنُ مَرْوَانَ بْنِ الْهَيْثَمِ بْنِ عِمْرَانَ قَالَ: حَدَّثَنَا مُحَمَّدٌ - وَهُوَ ابْنُ بَكَّارِ بْنِ بِلَالٍ - قَالَ: حَدَّثَنَا يَحْيَى عَنِ الْأَوْزَاعِيِّ أَنَّ مُحَمَّدَ بْنَ عَلِيِّ بْنِ الْحُسَيْنِ حَدَّثَهُ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ عَبْدِ اللهِ بْنِ عَبَّاسٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَثَلُ الَّذِي يَرْجِعُ فِي صَدَقَتِهِ كَمَثَلِ الْكَلْبِ يَقِيءُ ثُمَّ يَعُودُ فِي قَيْئِهِ» قَالَ الْأَوْزَاعِيُّ: سَمِعْتُهُ يُحَدِّثُ عَطَاءَ ابْنَ أَبِي رَبَاحٍ بِهٰذَا الْحَدِيثِ.

3725. It was narrated from 'Abdullâh bin 'Abbâs that the Messenger of Allâh ﷺ said: "The likeness of the one who takes back his gift is that of a dog which vomits, then goes back to its vomit." (One of the narrators) Al-Awzâ'î said: "I heard him[1] narrating this *Hadîth* to 'Aṭâ' bin Abî Rabâḥ." (*Ṣaḥîḥ*)

تخريج: [**صحيح**] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٦٥٢٥ * يحيى هو ابن حمزة.

٣٧٢٦ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنِ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْعَائِدُ فِي هِبَتِهِ كَالْعَائِدِ فِي قَيْئِهِ».

3726. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "The one who takes back his gift is like the one who goes back to his vomit." (*Ṣaḥîḥ*)

[1] Muḥammad bin 'Alî bin Al-Ḥusain.

تخريج: [صحيح] تقدم، ح:٣٧٢٣، وهو في الكبرى، ح:٦٥٢٦.

3727. It was narrated that Ibn 'Abbâs said: "The one who takes back his gift is like the one who goes back to his vomit." (*Ṣaḥîḥ*)

٣٧٢٧ - أَخْبَرَنَا أَبُو الْأَشْعَثِ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعَائِدُ فِي هِبَتِهِ كَالْعَائِدِ فِي قَيْئِهِ».

تخريج: [صحيح] تقدم، ح:٣٧٢٣، وهو في الكبرى، ح:٦٥٢٧.

3728. It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: '*It does not befit us to leave bad examples. The one who takes back his gift is like the one who goes back to his vomit.*'" (*Ṣaḥîḥ*)

٣٧٢٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبُو خَالِدٍ - وَهُوَ سُلَيْمَانُ بْنُ حَيَّانَ - عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَيْسَ لَنَا مَثَلُ السَّوْءِ، الْعَائِدُ فِي هِبَتِهِ كَالْعَائِدِ فِي قَيْئِهِ».

تخريج: أخرجه البخاري، الهبة، باب: لا يحل لأحد أن يرجع في هبته وصدقته، ح:٢٦٢٢ من حديث أيوب السختياني به، وهو في الكبرى، ح:٦٥٢٨.

3729. It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: '*It does not befit us to leave bad examples. The one who takes back his gift is like the dog which goes back to its vomit.*'" (*Ṣaḥîḥ*)

٣٧٢٩ - أَخْبَرَنَا عَمْرُو بْنُ زُرَارَةَ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَيْسَ لَنَا مَثَلُ السَّوْءِ، الْعَائِدُ فِي هِبَتِهِ كَالْكَلْبِ يَعُودُ فِي قَيْئِهِ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٦٥٢٩، وأخرجه أحمد:١/ ٢١٧ عن إسماعيل ابن علية به.

3730. It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'It does not befit us to leave bad examples. The one who takes back his gift is like a dog with its vomit.'" (*Ṣaḥîḥ*)

٣٧٣٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللهِ عَنْ خَالِدٍ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَيْسَ لَنَا مَثَلُ السَّوْءِ، الرَّاجِعُ فِي هِبَتِهِ كَالْكَلْبِ فِي قَيْئِهِ».

تخريج: أخرجه البخاري، من حديث عكرمة به، كما تقدم، ح:٣٧٢٨، وهو في الكبرى، ح:٦٥٣٠.

Chapter 4. Mentioning The Different Reports From Ṭâwûs About The One Who Takes Back His Gift

(المعجم ٤) - ذِكْرُ الاخْتِلَافِ عَلَى طَاوُسٍ فِي الرَّاجِعِ فِي هِبَتِهِ (التحفة ٢) - ب

3731. It was narrated from 'Abdullâh bin Ṭâwûs, from his father, from Ibn 'Abbâs, that the Messenger of Allâh ﷺ said: "The one who takes back his gift, is like the dog which vomits then goes back to its vomit." (*Ṣaḥîḥ*)

٣٧٣١ - أَخْبَرَنِي زَكَرِيَّا بْنُ يَحْيَى قَالَ: حَدَّثَنَا إِسْحَاقُ قَالَ: حَدَّثَنَا الْمَخْزُومِيُّ قَالَ: حَدَّثَنَا وُهَيْبٌ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ طَاوُسٍ عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْعَائِدُ فِي هِبَتِهِ كَالْكَلْبِ يَقِيءُ ثُمَّ يَعُودُ فِي قَيْئِهِ».

تخريج: [صحيح] تقدم، ح:٣٧٢١، وهو في الكبرى، ح:٦٥٣١.

3732. It was narrated from Abû Az-Zubair, from Ṭâwûs, that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'The one who takes back his gift, is like the one who goes back to his vomit.'" (*Ṣaḥîḥ*)

٣٧٣٢ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ حَجَّاجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعَائِدُ فِي هِبَتِهِ كَالْعَائِدِ فِي قَيْئِهِ».

تخريج: [صحيح] تقدم، ح:٣٧٢٢، وهو في الكبرى، ح:٦٥٣٢.

3733. It was narrated from 'Amr bin Shu'aib, from Ṭawûs, from Ibn 'Umar and Ibn 'Abbâs, that they said: "The Messenger of Allâh ﷺ said: 'It is not permissible for anyone to give a gift then take it back, except a father with regard to what he gives to his son. The likeness of the one who gives a gift then takes it back, is that of the dog which eats then when it is full it vomits, then it goes back to its vomit." (*Ṣaḥîḥ*)

٣٧٣٣ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ مُحَمَّدِ ابْنِ سَلَّامٍ قَالَ: حَدَّثَنَا إِسْحَاقُ الْأَزْرَقُ قَالَ: حَدَّثَنَا بِهِ حُسَيْنٌ الْمُعَلِّمُ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عُمَرَ وَابْنِ عَبَّاسٍ قَالَا: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَحِلُّ لِأَحَدٍ أَنْ يُعْطِي الْعَطِيَّةَ فَيَرْجِعَ فِيهَا إِلَّا الْوَالِدَ فِيمَا يُعْطِي وَلَدَهُ، وَمَثَلُ الَّذِي يُعْطِي الْعَطِيَّةَ فَيَرْجِعُ فِيهَا، كَالْكَلْبِ يَأْكُلُ حَتَّى إِذَا شَبِعَ قَاءَ ثُمَّ عَادَ فَرَجَعَ فِي قَيْئِهِ».

تخريج: [إسناده صحيح] تقدم، ح: ٣٧٢٠، وهو في الكبرٰى، ح: ٦٥٣٣ و٦٥٣٤.

Comments:

The detail has preceded in *Ḥadîth* 3719. Taking back or returning for father is permissible, because he might need it for disciplining his children. Teaching manners to children is far more meritorious than giving them presents.

3734. It was narrated from Ibn Juraij, from Al-Ḥasan bin Muslim, from Ṭâwûs that the Messenger of Allâh ﷺ said: "It is not permissible for anyone to give a gift then take it back, except a father." Ṭâwûs said: "I used to hear the boys say: 'O you who goes back to his vomit!' But I did not realize that the Messenger of Allâh ﷺ had said this as parable, until we heard that he used to say: 'The likeness of the one who gives a gift then takes it back, is that of the dogs which eats its vomit.'" (*Ṣaḥîḥ*)

٣٧٣٤ - أَخْبَرَنَا عَبْدُ الْحَمِيدِ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا مَخْلَدٌ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنِ الْحَسَنِ بْنِ مُسْلِمٍ، عَنْ طَاوُسٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَحِلُّ لِأَحَدٍ يَهَبُ هِبَةً ثُمَّ يَعُودُ فِيهَا إِلَّا الْوَالِدَ» قَالَ طَاوُسٌ: كُنْتُ أَسْمَعُ الصِّبْيَانَ يَقُولُونَ: يَا عَائِدًا فِي قَيْئِهِ! وَلَمْ أَشْعُرْ أَنَّ رَسُولَ اللهِ ﷺ ضَرَبَ ذٰلِكَ مَثَلًا، حَتَّى بَلَغَنَا أَنَّهُ كَانَ يَقُولُ: «مَثَلُ الَّذِي يَهَبُ الْهِبَةَ ثُمَّ يَعُودُ فِيهَا - وَذَكَرَ كَلِمَةً مَعْنَاهَا - كَمَثَلِ الْكَلْبِ يَأْكُلُ قَيْئَهُ».

تخريج: [صحيح] تقدم، ح: ٣٧٢٢، وهو في الكبرٰى، ح: ٦٥٣٥.

3735. It was narrated from Ḥanẓalah that he heard Ṭâwûs say: "Some of those who met the Prophet ﷺ told us that he said: 'The likeness of the one who gives (something), then takes back his gift, is that of a dog which eats, then vomits, then eats its vomit.'" (*Ṣaḥîḥ*)

٣٧٣٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمِ بْنِ نُعَيْمٍ قَالَ: أَخْبَرَنَا حِبَّانُ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ حَنْظَلَةَ: أَنَّهُ سَمِعَ طَاوُسًا يَقُولُ: أَخْبَرَنَا بَعْضُ مَنْ أَدْرَكَ النَّبِيَّ ﷺ أَنَّهُ قَالَ: «مَثَلُ الَّذِي يَهَبُ فَيَرْجِعُ فِي هِبَتِهِ كَمَثَلِ الْكَلْبِ يَأْكُلُ فَيَقِيءُ ثُمَّ يَأْكُلُ قَيْئَهُ».

تخريج: [صحيح] تقدم، ح: ٣٧٢٢، وهو في الكبرٰى، ح: ٦٥٣٦.

33. The Book Of *Ar-Ruqba*[1]

(المعجم ٣٣) - كِتَابُ الرُّقْبَى
(التحفة ١٦)

Chapter 1. Mentioning The Different Reports From Ibn Abî Najîḥ Concerning The Narration Of Zaid Bin Thâbit

(المعجم ١) - ذِكْرُ الاِخْتِلَافِ عَلَى ابْنِ أَبِي نَجِيحٍ فِي خَبَرِ زَيْدِ بْنِ ثَابِتٍ فِيهِ
(التحفة ١)

3736. Hilâl bin Al-'Alâ' informed us: "My father narrated to us: Ubaidullâh – he is, Ibn 'Amr – narrated to us, from Sufyân, from Ibn Abî Najîḥ, from Ṭâwûs, from Zaid bin Thâbit, that the Prophet ﷺ said: '*Ar-Ruqba* is permissible.'" (*Ḥasan*)

٣٧٣٦ - أَخْبَرَنَا هِلَالُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ - وَهُوَ ابْنُ عَمْرٍو - عَنْ سُفْيَانَ، عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ طَاوُسٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «الرُّقْبَى جَائِزَةٌ».

تخريج: [حسن] وهو في الكبرٰى، ح:٦٥٣٧، وفيه علل، وللحديث شواهد كثيرة.

Comments:

That property becomes their de facto possession. That means it would not return to the donor.

3737. Muḥammad bin 'Alî bin Maimûn informed us, he said: "Muḥammad – he is, Ibn Yûsuf – narrated to us, he said: 'Sufyân narrated to us from Ibn Abî Najîḥ, from Ṭâwûs, from a man, from Zaid bin Thâbit that the Prophet ﷺ ruled that the *Ruqba* belongs to the one to whom it is given.'" (*Ḥasan*)

٣٧٣٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَلِيِّ بْنِ مَيْمُونٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ - وَهُوَ ابْنُ يُوسُفَ - قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ طَاوُسٍ، عَنْ رَجُلٍ عَنْ زَيْدِ بْنِ ثَابِتٍ: أَنَّ النَّبِيَّ ﷺ جَعَلَ الرُّقْبَى لِلَّذِي أُرْقِبَهَا.

تخريج: [حسن]أخرجه أحمد:٥/١٨٦، ١٨٩ من حديث ابن أبي نجيح به، وهو في الكبرٰى، ح:٦٥٣٨ * سفيان هو الثوري، والرجل مجهول، وللحديث شواهد.

3738. Zakariyyâ bin Yaḥya informed us, he said: "Abdul-Jabbâr bin Al-'Alâ' narrated to us, he said: 'Sufyân narrated to us

٣٧٣٨ - أَخْبَرَنَا زَكَرِيَّا بْنُ يَحْيَى قَالَ: حَدَّثَنَا عَبْدُ الْجَبَّارِ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ طَاوُسٍ،

[1] A gift given, subject to the condition, that if the giver dies first, the gift will belong to the recipient, but if the recipient dies first, the gift reverts to the giver.

from Ibn Abî Najîh, from Ṭâwûs, and perhaps it is from Ibn 'Abbâs, who said: There is no *Ruqba*, and whoever gives a gift on the basis of *Ruqba*, it is part of his estate.'" (*Ḥasan*)

لَعَلَّهُ عَنِ ابْنِ عَبَّاسٍ قَالَ: لَا رُقْبَى، فَمَنْ أُرْقِبَ شَيْئًا فَهُوَ سَبِيلُ الْمِيرَاثِ.

تخريج: [حسن] وهو في الكبرٰى، ح:٦٥٣٩، وللحديث شواهد.

Comments:

'There is no *Ruqba*' means the prevalent form of *Ruqba* is not reliable or valid. Another meaning could be one should not practice *Ruqba* because it is not a good form of giving gifts. But if someone at all practices it, then the condition of 'returning' would be null and void or invalid. It would rather go down as inheritance to his heirs after his death (the recipient's death).

Chapter 2. Mentioning The Differences Reported From Abû Az-Zubair

(المعجم ٢) - ذِكْرُ الاخْتِلَافِ عَلَى أَبِي الزُّبَيْرِ (التحفة ١) - أ

3739. Zaid narrated from Abû Az-Zubair, from Ṭâwûs, from Ibn 'Abbâs that the Messenger of Allâh ﷺ said: "Do not give away your property on the basis of *Ruqba*, for whoever gives a gift on that basis, it belongs to the one to whom he gave it." (*Ṣaḥîḥ*)

٣٧٣٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ وَهْبٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنِي أَبُو عَبْدِ الرَّحِيمِ قَالَ: حَدَّثَنِي زَيْدٌ عَنْ أَبِي الزُّبَيْرِ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ، عَنْ رَسُولِ اللهِ ﷺ قَالَ: «لَا تُرْقِبُوا أَمْوَالَكُمْ، فَمَنْ أَرْقَبَ شَيْئًا فَهُوَ لِمَنْ أُرْقِبَهُ».

تخريج: [صحيح] أخرجه أحمد:١/ ٢٥٠ من حديث أبي الزبير به، وللحديث شواهد، وهو في الكبرٰى، ح:٦٥٤٠، وللحديث شواهد.

3740. Ḥajjâj narrated from Abû Az-Zubair, from Ṭâwûs, from Ibn 'Abbâs, who said: "The Messenger of Allâh ﷺ said: "*Umra* (life-long gift) is permissible for the one to whom it is given, and *Ruqba* is permissible to the one to whom it is given, and the one who takes back his gift is like the one who goes back to his vomit.'" (*Ṣaḥîḥ*)

٣٧٤٠ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ حَجَّاجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعُمْرَى جَائِزَةٌ لِمَنْ أُعْمِرَهَا، وَالرُّقْبَى جَائِزَةٌ لِمَنْ أُرْقِبَهَا، وَالْعَائِدُ فِي هِبَتِهِ كَالْعَائِدِ فِي قَيْئِهِ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٥٤١ .

Comment:

The details concerning *'Umra* (life-grant) occurs in the upcoming chapter. *'Umra* is similar to *Ruqba* and *Hibâ*. Taking back or returning a *Hibâ* is not permissible, therefore, in these forms, taking back or returning is not permissible. The condition of returning is null and void.

3741. Sufyân narrated from Abû Az-Zubair, from Ṭâwûs, from Ibn 'Abbâs, who said: "*'Umra* and *Ruqba* are the same." (*Ṣaḥîḥ*)

٣٧٤١ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزُّبَيْرِ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: الْعُمْرَى وَالرُّقْبَى سَوَاءٌ.

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح: ٦٥٤٢.

3742. (A different chain) from Sufyân, from Abû Az-Zubair, from Ṭâwûs, from Ibn 'Abbâs, who said: "*Ruqba* and *'Umra* are not permissible; whoever is given something on the basis of *'Umra*, it is his, and whoever is given something on the basis of *Ruqba*, it is his." (*Ṣaḥîḥ*)

٣٧٤٢ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا يَعْلَى قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزُّبَيْرِ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَا تَحِلُّ الرُّقْبَى وَلَا الْعُمْرَى، فَمَنْ أُعْمِرَ شَيْئًا فَهُوَ لَهُ، وَمَنْ أُرْقِبَ شَيْئًا فَهُوَ لَهُ.

تخريج: [صحيح] تقدم، ح: ٣٧٣٩، وهو في الكبرٰى، ح: ٦٥٤٣.

Comment:

'Are not permissible' means in its prevalent form. Even otherwise, it is not a good form of giving presents.

3743. (A different chain) from Ḥajjâj, from Abû Az-Zubair, from Ṭâwûs, from Ibn 'Abbâs, who said: "*'Umra* and *Ruqba* are not proper. Whoever gives something on the basis of *'Umra* or *Ruqba*, it belongs to the one to whom he gave it on that basis, both during his lifetime and after his death." Ḥanẓalah narrated it in *Mursal* form: (*Ṣaḥîḥ*)

٣٧٤٣ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ قَالَ: حَدَّثَنَا حَجَّاجٌ عَنْ أَبِي الزُّبَيْرِ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَا تَصْلُحُ الْعُمْرَى وَلَا الرُّقْبَى، فَمَنْ أَعْمَرَ شَيْئًا أَوْ أَرْقَبَهُ فَإِنَّهُ لِمَنْ أُعْمِرَهُ وَأُرْقِبَهُ حَيَاتَهُ وَمَوْتَهُ.

أَرْسَلَهُ حَنْظَلَةُ.

تخريج: [صحيح] تقدم، ح: ٣٧٣٩، وهو في الكبرٰى، ح: ٦٥٤٤.

3744. Ḥanẓalah narrated that he heard Ṭâwûs say: "The Messenger of Allâh ﷺ said: '*Ruqba* is not permissible. Whoever is given

٣٧٤٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: أَخْبَرَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللهِ عَنْ حَنْظَلَةَ أَنَّهُ سَمِعَ طَاوُسًا يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ:

something on the basis of *Ruqba*, it is part of his estate.'" (*Ṣaḥîḥ*)

«لَا تَحِلُّ الرُّقْبَى، فَمَنْ أُرْقِبَ رُقْبَى فَهُوَ سَبِيلُ الْمِيرَاثِ».

تخريج: [صحيح] تقدم، ح:٣٧٣٩، وهو في الكبرٰى، ح:٦٥٤٥.

3745. Sufyân narrated from Ibn Abî Najîh, from Ṭâwûs, from Zaid bin Thâbit, who said: "The Messenger of Allâh ﷺ said: '*'Umra* (a gift given for life) is part of the estate.'" (*Ṣaḥîḥ*)

٣٧٤٥ - أَخْبَرَنَا عَبْدَةُ بْنُ عَبْدِ الرَّحِيمِ عَنْ وَكِيعٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ طَاوُسٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعُمْرَى مِيرَاثٌ».

تخريج: [صحيح] وهو في الكبرٰى، ح:٦٥٤٦، وتقدم طرفه، ح:٣٧٣٦.

3746. Sufyân narrated from Ibn Ṭâwûs, *from his father, from* Ḥujr Al-Madarî, from Zaid, who said: "The Messenger of Allâh ﷺ said: '*'Umra* (a gift given for life) is for the heir.'" (*Ṣaḥîḥ*)

٣٧٤٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ حُجْرٍ الْمَدَرِيِّ، عَنْ زَيْدٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعُمْرَى لِلْوَارِثِ».

تخريج: [صحيح] وهو في الكبرٰى، ح:٦٥٤٧، وانظر الحديث الآتي، وهذا طرف منه.

3747. Ma'mar narrated from Ibn Ṭâwûs, from his father, from Ḥujr Al-Madarî, from Zaid bin Thâbit, from Prophet ﷺ, who said: "*'Umra* (a gift given for life) is permissible." (*Ṣaḥîḥ*)

٣٧٤٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ عُبَيْدٍ الْكُوفِيُّ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ الْمُبَارَكِ عَنْ مَعْمَرٍ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ حُجْرٍ الْمَدَرِيِّ، عَنْ زَيْدِ ابْنِ ثَابِتٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمْرَى جَائِزَةٌ».

تخريج: [إسناده صحيح] أخرجه أبو داود، البيوع، باب: في الرقبٰى، ح:٣٥٥٩ من حديث طاوس به، وهو في الكبرٰى، ح:٦٥٤٨، وصححه ابن حبان، وهو مخرج في مسند الحميدي، ح:٣٩٩ بتحقيقي.

3748. Ma'mar narrated from 'Amr bin Dînâr, from Ṭâwûs, from Zaid bin Thâbit, that the Prophet ﷺ said: "*'Umra* (a gift given for life) belongs to the heir." (*Ṣaḥîḥ*)

٣٧٤٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عُبَيْدٍ عَنِ ابْنِ الْمُبَارَكِ، عَنْ مَعْمَرٍ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ طَاوُسٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمْرَى لِلْوَارِثِ».

تخريج: [صحيح] تقدم، ح:٣٧٤٥، وهو في الكبرٰى، ح:٦٥٤٩ .

Comment:

Meaning the one who was given *'Umra*, it would go to his heirs in the event of his death. It would not be returned to the donor.

3749. (A different chain) from Ma'mar who said: "I heard 'Amr bin Dînâr, narrating from Ṭâwûs, from Ḥujr Al-Madarî, from Zaid bin Thâbit, that the Messenger of Allâh ﷺ said: "*'Umra* (a gift given for life) belongs to the heir." And Allâh knows best. (***Ṣaḥîḥ***)

٣٧٤٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: أَخْبَرَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ مَعْمَرٍ قَالَ: سَمِعْتُ عَمْرَو بْنَ دِينَارٍ يُحَدِّثُ عَنْ طَاوُسٍ، عَنْ حُجْرٍ الْمَدَرِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْعُمْرَى لِلْوَارِثِ» وَاللَّهُ أَعْلَمُ.

تخريج: [صحيح] تقدم، ح:٣٧٤٦، وهو في الكبرى، ح:٦٥٥٠.

34. The Book Of *'Umra* (Lifelong Gift)[1]

(المعجم ٣٤) - كِتَابُ الْعُمْرَى (التحفة ١٧)

Chapter 1. ["*'Umra* (A Gift Given For Life) Belongs To The Heir"]

(المعجم ١) - [بَابٌ: «الْعُمْرَى لِلْوَارِثِ»] (التحفة ١)

'Umra is a form of giving a gift in which a condition of age or the duration life is stipulated. The declaration of this gift is made by the giver of the gift thus: "I gave you this thing for... Sometimes it is also stated: "If you die, it shall come back to me." But since the condition is against the Divine law, it is invalid, because a thing which remained with someone for the whole life until his last breath, it would be considered his heritage or legacy, and it would go to his heirs. Besides, it is a gift and the condition of taking back in the matter of a *Hibâ* is unlawful, according to the Divine law.

3750. It was narrated from Zaid bin Thâbit that the Prophet ﷺ said: "*'Umra* (a gift given for life) belongs to the heir." (*Ṣaḥîḥ*)

٣٧٥٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: سَمِعْتُ طَاوُسًا يُحَدِّثُ عَنْ حُجْرٍ الْمَدَرِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمْرَى هِيَ لِلْوَارِثِ».

تخريج: [صحيح] تقدم، ح:٣٧٤٥، وهو في الكبرٰى، ح:٦٥٥١.

3751. It was narrated from Zaid bin Thâbit that the Messenger of Allâh ﷺ said: "*'Umra* (a gift given for life) belongs to the heir." (*Ṣaḥîḥ*)

٣٧٥١ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنَا عَمْرُو بْنُ دِينَارٍ قَالَ: سَمِعْتُ طَاوُسًا يُحَدِّثُ عَنْ حُجْرٍ الْمَدَرِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْعُمْرَى لِلْوَارِثِ».

تخريج: [صحيح] تقدم، ح:٣٧٤٦، وهو في الكبرٰى، ح:٦٥٥٣.

3752. It was narrated from Zaid bin Thâbit that the Prophet ﷺ

٣٧٥٢ - حَدَّثَنَا مُحَمَّدُ الْمُثَنَّى عَنْ سُفْيَانَ، عَنْ عَمْرٍو، عَنْ طَاوُسٍ، عَنْ حُجْرٍ

[1] A gift given only until the recipient dies, whereupon it reverts to the giver, or to whomever is stipulated in the conditions.

الْمَدَرِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ: أَنَّ النَّبِيَّ ﷺ قَضَى بِالْعُمْرَى لِلْوَارِثِ.

تخريج: [صحيح] تقدم، ح:٣٧٤٦، وهو في الكبرى، ح:٦٥٥٢.

ruled that *'Umra* (a gift given for life) belongs to the heir. (***Sahîh***)

٣٧٥٣ - أَخْبَرَنَا مُحَمَّدُ بنُ عَبْدِاللهِ بْنِ يَزِيدَ عَنْ سُفْيانَ، عن عَمْرٍو، عن طَاوسٍ، عن حُجْر الْمَدَرِيِّ، عَنْ زَيدِ بنِ ثَابتٍ أَنَّ رَسُولَ اللهِ ﷺ قَضَىٰ بِالْعُمْرى لِلْوَارِثِ.

تخريج: [صحيح] تقدم، ح:٣٧٤٦، وهو في الكبرى، ح:٦٥٥٤.

3753. It was narrated from Zaid bin Thâbit that the Prophet ﷺ ruled that *'Umra* (a gift given for life) belongs to the heir. (***Sahîh***)

٣٧٥٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عُبَيْدِاللهِ بْنِ يَزِيدَ بْنِ إِبْرَاهِيمَ قَالَ: أَخْبَرَنِي أَبِي أَنَّهُ عَرَضَ عَلَيَّ مَعْقِلٌ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ حُجْرٍ الْمَدَرِيِّ، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَعْمَرَ شَيْئًا فَهُوَ لِمُعْمَرِهِ مَحْيَاهُ وَمَمَاتَهُ، وَلَا تُرْقِبُوا، فَمَنْ أُرْقِبَ شَيْئًا فَهُوَ لِسَبِيلِهِ».

تخريج: [صحيح] تقدم، ح:٣٧٤٦، وهو في الكبرى، ح:٦٥٥٥.

3754. It was narrated that Zaid bin Thâbit said: The Messenger of Allâh ﷺ said: "Whoever gives a life-long gift, it belongs to the one to whom he gave it, both during his life and after his death. And do not give things on the basis of *Ruqba*, for whoever is given something on the basis of *Ruqba*, it becomes part of his estate." (***Sahîh***)

٣٧٥٥ - أَخْبَرَنِي زَكَرِيَّا بْنُ يَحْيَى قَالَ: حَدَّثَنَا زَيْدُ بْنُ أَخْزَمَ قَالَ: أَخْبَرَنَا مُعَاذُ بْنُ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ قَالَ: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ عَنْ طَاوُسٍ، عَنِ الْحَجُورِيِّ، عَنْ عَبْدِ اللهِ بْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمْرَى جَائِزَةٌ».

تخريج: [صحيح] وهو في الكبرى، ح:٦٥٥٦، وانظر الحديث السابق.

3755. It was narrated from 'Abdullâh bin 'Abbâs that the Prophet ﷺ said: "*'Umra* is permissible." (***Sahîh***)

٣٧٥٦ - أَخْبَرَنَا هَارُونُ بْنُ مُحَمَّدِ بْنِ بَكَّارِ بْنِ بِلَالٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا

3756. It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "Indeed *'Umra* is permissible." (***Sahîh***)

سَعِيدٌ - هُوَ ابْنُ بَشِيرٍ - عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ الْعُمْرَى جَائِزَةٌ».

تخريج: [صحيح] وهو في الكبرٰى، ح:٦٥٥٧.

3757. It was narrated from Ṭâwûs that the Messenger of Allâh ﷺ made *'Umra* and *Ruqba* binding. (*Ṣaḥîḥ*)

٣٧٥٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ مُحَمَّدِ ابْنِ إِسْحَاقَ قَالَ: حَدَّثَنَا مَكْحُولٌ عَنْ طَاوُسٍ: بَتَلَ رَسُولُ اللهِ ﷺ الْعُمْرَى وَالرُّقْبَى.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٥٥٨.

Chapter 2. Mentioning The Different Versions Of The Report Of Jâbir Concerning *'Umra*

(المعجم ٢) - ذِكْرُ اخْتِلَافِ أَلْفَاظِ النَّاقِلِينَ لِخَبَرِ جَابِرٍ فِي الْعُمْرَى

(التحفة ١) - ألف

3758. Mâlik bin Dînâr narrated from 'Aṭâ', from Jâbir that the Messenger of Allâh ﷺ addressed them one day and said: "*'Umra* is permissible." (*Ṣaḥîḥ*)

٣٧٥٨ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا بِسْطَامُ بْنُ مُسْلِمٍ قَالَ: حَدَّثَنَا مَالِكُ بْنُ دِينَارٍ عَنْ عَطَاءٍ، عَنْ جَابِرٍ: أَنَّ رَسُولَ اللهِ ﷺ خَطَبَهُمْ يَوْمًا فَقَالَ: «الْعُمْرَى جَائِزَةٌ».

تخريج: أخرجه البخاري، ح:٢٦٢٦ من حديث عطاء بن أبي رباح به، كما سيأتي، ح:٣٧٦٠، وهو في الكبرٰى، ح:٦٥٥٩.

3759. 'Abdul-Karîm narrated from 'Aṭâ', who said: "The Messenger of Allâh ﷺ forbade *'Umra* and *Ruqba*." I said: "What is *Ruqba*?" He said: "When one man says to another: 'This belongs to you for the rest of your life.' But if you do that, it is permissible." (*Ṣaḥîḥ*)

٣٧٥٩ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: أَخْبَرَنَا عُبَيْدُ اللهِ عَنْ إِسْرَائِيلَ، عَنْ عَبْدِ الْكَرِيمِ، عَنْ عَطَاءٍ قَالَ: نَهَى رَسُولُ اللهِ ﷺ عَنِ الْعُمْرَى وَالرُّقْبَى، قُلْتُ: وَمَا الرُّقْبَى؟ قَالَ: يَقُولُ الرَّجُلُ لِلرَّجُلِ: هِيَ لَكَ حَيَاتَكَ، فَإِنْ فَعَلْتُمْ فَهُوَ جَائِزَةٌ.

تخريج: [صحيح] وهو في الكبرٰى، ح:٦٥٦١ * عبيدالله هو ابن موسٰى.

Comments:

See No. 3736.

3760. Shu'bah said: "I heard Qatâdah narrating from 'Aṭâ', from Jâbir that the Prophet ﷺ said: "*'Umra* is permissible."' (*Ṣaḥîḥ*)

٣٧٦٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ قَتَادَةَ يُحَدِّثُ عَنْ عَطَاءٍ، عَنْ جَابِرٍ، عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمْرَى جَائِزَةٌ».

تخريج: أخرجه مسلم، الهبات، باب العمرٰى، ح:١٦٢٥/٣٠ عن محمد بن المثنٰى، والبخاري، الهبة، باب ما قيل في العمرٰى والرقبٰى، ح:٢٦٢٦ من حديث عطاء بن أبي رباح به، وهو في الكبرٰى، ح:٦٥٦٠ * محمد هو ابن جعفر، لقبه غندر، وهو رواية شعبة.

3761. 'Abdul-Malik bin Abî Sulaimân narrated from 'Aṭâ' who said: "The Messenger of Allâh ﷺ said: 'Whoever is given something for the rest of his life, it belongs to him for as long as he lives and after he dies.'" (*Ṣaḥîḥ*)

٣٧٦١ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: أَخْبَرَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي سُلَيْمَانَ، عَنْ عَطَاءٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أُعْطِيَ شَيْئًا حَيَاتَهُ، فَهُوَ لَهُ حَيَاتَهُ وَمَوْتَهُ».

تخريج: [صحيح] وهو في الكبرٰى، ح:٦٥٦٢، وله شواهد كثيرة جدًّا.

3762. Sufyân narrated from Ibn Juraij, from 'Aṭâ', from Jâbir that the Messenger of Allâh ﷺ said: "Do not give things on the basis of *Ruqba* or *'Umra*. Whoever is given something on the basis of *Ruqba* or *'Umra*, it belongs to his heirs." (*Ṣaḥîḥ*)

٣٧٦٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ عَنْ سُفْيَانَ، عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ عَنْ جَابِرٍ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تُرْقِبُوا وَلَا تُعْمِرُوا، فَمَنْ أُرْقِبَ أَوْ أُعْمِرَ شَيْئًا فَهُوَ لِوَرَثَتِهِ».

تخريج: [صحيح] أخرجه أبو داود، البيوع، باب من قال فيه ولعقبه، ح:٣٥٥٦ من حديث سفيان بن عيينة به، وهو في الكبرٰى، ح:٦٥٦٣، وصححه ابن حبان وغيره، وله طرق عند مسلم وغيره، انظر الحديث المتقدم: ٣٧٦٠.

3763. Ibn Juraij narrated from 'Aṭâ': "Ḥabîb bin Abî Thâbit informed us from Ibn 'Umar, that the Messenger of Allâh ﷺ said: 'There is no *'Umra* and no *Ruqba*. Whoever is given something on the basis of *'Umra* or *Ruqba*, it belongs

٣٧٦٣ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ عَنْ عَطَاءٍ: أَخْبَرَنَا حَبِيبُ بْنُ أَبِي ثَابِتٍ عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا

to him for the rest of his life and after he dies.'" (*Ṣaḥîḥ*)

عُمْرَى وَلَا رُقْبَى، فَمَنْ أُعْمِرَ شَيْئًا أَوْ أُرْقِبَهُ فَهُوَ لَهُ حَيَاتَهُ وَمَمَاتَهُ».

تخريج: [صحيح] وهو في الكبرٰى، ح:٦٥٦٤.

3764. Ibn Juraij said: "Aṭâ' informed me, from Ḥabîb bin Abî Thâbit, from Ibn 'Umar – and he did not hear it from him – he said: 'Allâh's Messenger ﷺ said: "There is no *'Umra* and no *Ruqba*. Whoever is given something on the basis of *'Umra* or *Ruqba*, it belongs to him for the rest of his life and after he dies." 'Aṭâ' said: "It belongs to the other." (*Ṣaḥîḥ*)

٣٧٦٤ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ قال: أَخْبَرَنَا ابنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي عَطَاءٌ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنِ ابْنِ عُمَرَ - وَلَمْ يَسْمَعْهُ مِنْهُ - قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا عُمْرَى وَلَا رُقْبَى، فَمَنْ أُعْمِرَ شَيْئًا أَوْ أُرْقِبَهُ فَهُوَ لَهُ حَيَاتَهُ وَمَمَاتَهُ». قَالَ عَطَاءٌ: «هُوَ لِلْآخَرِ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٦٥٦٥.

3765. Yazîd bin Ziyâd bin Abî Al-Ja'd narrated from Ḥabîb bin Abî Thâbit, who said: "I heard Ibn 'Umar say: 'The Messenger of Allâh ﷺ forbade *Ruqba* and said: "Whoever is given something on the basis of *Ruqba*, it belongs to him." (*Ṣaḥîḥ*)

٣٧٦٥ - أَخْبَرَنِي عَبْدَةُ بْنُ عَبْدِ الرَّحِيمِ قَالَ: أَخْبَرَنَا وَكِيعٌ عَنْ يَزِيدَ بْنِ زِيَادِ بْنِ أَبِي الْجَعْدِ، عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: نَهَى رَسُولُ اللهِ ﷺ عَنِ الرُّقْبَى، وَقَالَ: «مَنْ أُرْقِبَ رُقْبَى فَهُوَ لَهُ».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٦٥٦٦.

3766. Ibn Juraij said: "Abû Az-Zubair informed me that he heard Jâbir saying: 'The Messenger of Allâh ﷺ said: "Whoever is given something on the basis of *'Umra* it belongs to him for the rest of his life and after he dies." (*Ṣaḥîḥ*)

٣٧٦٦ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ قَالَ: حَدَّثَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرًا يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أُعْمِرَ شَيْئًا فَهُوَ لَهُ حَيَاتَهُ وَمَمَاتَهُ».

تخريج: أخرجه مسلم، الهبات، باب العمرٰى، ح:١٦٢٥/٢٨ من حديث ابن جريج به، وهو في الكبرٰى، ح:٦٥٦٧.

3767. Al-Ḥajjâj bin Aṣ-Ṣawwâf narrated from Abû Az-Zubair, who

٣٧٦٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ بْنِ صُدْرَانَ عَنْ بِشْرِ بْنِ الْمُفَضَّلِ قَالَ: حَدَّثَنَا

said: "Jâbir said: 'The Messenger of Allâh ﷺ said: "O *Anṣâr*! Hold on to your wealth, and do not give it on the basis of *'Umra*. For whoever gives something on the basis of *'Umra*, it belongs to the one to whom he gave it on that basis, for the rest of his life and after he dies." (**Ṣaḥîḥ**)

الْحَجَّاجُ الصَّوَّافُ عَنْ أَبِي الزُّبَيْرِ قَالَ: حَدَّثَنَا جَابِرٌ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «يَا مَعْشَرَ الْأَنْصَارِ! أَمْسِكُوا عَلَيْكُمْ - يَعْنِي أَمْوَالَكُمْ - لَا تُعْمِرُوهَا، فَإِنَّهُ مَنْ أَعْمَرَ شَيْئًا فَإِنَّهُ لِمَنْ أُعْمِرَهُ حَيَاتَهُ وَمَمَاتَهُ».

تخريج: أخرجه مسلم، ح: ٢٧/١٦٢٥ من حديث الحجاج الصواف به (انظر الحديث السابق)، وهو في الكبرٰى، ح: ٦٥٦٨ .

3768. Hishâm narrated from Abû Az-Zubair, from Jâbir, that the Messenger of Allâh ﷺ said: "Hold on to your wealth and do not give it on the basis of *'Umra*. For whoever is given something on the basis of *'Umra* for the rest of his life, it belongs to him for the rest of his life and after his death." (**Ṣaḥîḥ**)

٣٧٦٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ عَنْ هِشَامٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أَمْسِكُوا عَلَيْكُمْ أَمْوَالَكُمْ وَلَا تُعْمِرُوهَا؛ فَمَنْ أُعْمِرَ شَيْئًا حَيَاتَهُ فَهُوَ لَهُ حَيَاتَهُ وَبَعْدَ مَمَاتِهِ».

تخريج: [صحيح] أخرجه أحمد: ٣/ ٣٧٤ من حديث هشام الدستوائي به، وهو في الكبرٰى، ح: ٦٥٦٩ (وانظر الحديث السابق) * خالد هو ابن الحارث.

3769. Khâlid narrated from Dâwûd bin Abî Hind, from Abû Az-Zubair, from Jâbir, who said: "The Messenger of Allâh ﷺ said: *'Ruqba* belongs to the one to whom it is given.'" (**Ṣaḥîḥ**)

٣٧٦٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الرُّقْبَى لِمَنْ أُرْقِبَهَا».

تخريج: [صحيح] أخرجه أبو داود، البيوع، باب: في الرقبٰى، ح: ٣٥٥٨ من حديث داود بن أبي هند به، وهو في الكبرٰى، ح: ٦٥٧٠، وقال الترمذي، ح: ١٣٥١ "حسن"، وله شواهد انظر الحديث، ح: ٣٧٦٧.

3770. Hushaim narrated from Dâwûd, from Abû Az-Zubair, from Jâbir, who said: "The Messenger of Allâh ﷺ said: '*'Umra* is permissible for the one to whom it is given, and *Ruqba* is permissible for the one to whom it is given.'" (**Ṣaḥîḥ**)

٣٧٧٠ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا هُشَيْمٌ عَنْ دَاوُدَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعُمْرَى جَائِزَةٌ لِأَهْلِهَا، وَالرُّقْبَى جَائِزَةٌ لِأَهْلِهَا».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٦٥٧١.

Chapter 3. Mentioning The Different Reports From Az-Zuhrî About It

(المعجم ٣) - ذِكْرُ الاخْتِلَافِ عَلَى الزُّهْرِيِّ فِيهِ (التحفة ١) - ب

3771. Al-Awzâ'î narrated from Az-Zuhrî, from 'Urwah, from Jâbir, who said: "The Messenger of Allâh ﷺ said: 'Whoever is given something on the basis of *'Umra*, it belongs to him and to his descendents, and is inherited by those who inherit from him.'" (*Ṣaḥîḥ*)

٣٧٧١ - أَخْبَرَنَا مَحْمُودُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا عُمَرُ عَنِ الْأَوْزَاعِيِّ: حَدَّثَنَا ابْنُ شِهَابٍ قَالَ: وَأَخْبَرَنِي عَمْرُو بْنُ عُثْمَانَ: حَدَّثَنَا بَقِيَّةُ ابْنُ الْوَلِيدِ عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أُعْمِرَ عُمْرَى فَهِيَ لَهُ وَلِعَقِبِهِ، يَرِثُهَا مَنْ يَرِثُهُ مِنْ عَقِبِهِ».

تخريج: [صحيح] أخرجه أبو داود، البيوع، باب: في العمرى، ح:٣٥٥١، ٣٥٥٢ من حديث الأوزاعي به، وهو في الكبرى، ح:٦٥٧٢، وللحديث شواهد.

3772. (A different chain) from Abû 'Amr,[1] from Ibn Shihâb,[2] from Abû Salamah, from Jâbir, who said: "The Messenger of Allâh ﷺ said: '*'Umra* (a lifelong gift) belongs to the one to whom it was given; it belongs to him and to his heirs, and is inherited by those among his descendents who inherit from him.'" (*Ṣaḥîḥ*)

٣٧٧٢ - أَخْبَرَنَا عِيسَى بْنُ مُسَاوِرٍ قَالَ: حَدَّثَنَا الْوَلِيدُ قَالَ: حَدَّثَنَا أَبُو عَمْرٍو عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعُمْرَى لِمَنْ أُعْمِرَهَا هِيَ لَهُ وَلِعَقِبِهِ، يَرِثُهَا مَنْ يَرِثُهُ مِنْ عَقِبِهِ».

تخريج: أخرجه مسلم، الهبات، باب العمرى، ح:١٦٢٥ من حديث ابن شهاب الزهري، والبخاري، الهبة، باب ما قيل في العمرى والرقبى، ح:٢٦٢٥ من حديث أبي سلمة بن عبدالرحمن به، وهو في الكبرى، ح:٦٥٧٣.

3773. (A different chain) from Al-Awzâ'î, from Az-Zuhrî, from 'Urwah and Abû Salamah, from Jâbir, who said: "The Messenger of Allâh ﷺ said: '*'Umra* (a lifelong gift) belongs

٣٧٧٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ هَاشِمٍ الْبَعْلَبَكِّيُّ قَالَ: حَدَّثَنَا الْوَلِيدُ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ وَأَبِي

[1] Al-Awzâ'î.

[2] Az-Zuhrî.

سَلَمَةَ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْعُمْرَى لِمَنْ أُعْمِرَهَا هِيَ لَهُ وَلِعَقِبِهِ، يَرِثُهَا مَنْ يَرِثُهُ مِنْ عَقِبِهِ».

to the one to whom it was given; it belongs to him and to his descendents, and is inherited by those who inherit from him.'" (*Ṣaḥîḥ*)

تخريج: [**صحيح**] انظر الحديث السابق، وهو في الكبرى، ح: ٦٥٧٤.

٣٧٧٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ عَبْدِ الرَّحِيمِ قَالَ: حَدَّثَنَا عَمْرُو بْنُ أَبِي سَلَمَةَ الدِّمَشْقِيُّ عَنْ أَبِي [عُمَرَ] الصَّنْعَانِيِّ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللهِ بْنِ الزُّبَيْرِ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أَيُّمَا رَجُلٍ أَعْمَرَ رَجُلًا عُمْرَى لَهُ وَلِعَقِبِهِ، فَهِيَ لَهُ وَلِمَنْ يَرِثُهُ مِنْ عَقِبِهِ مَوْرُوثَةٌ».

3774. It was narrated from Hishâm bin 'Urwah, from his father, from 'Abdullâh bin Az-Zubair, that the Messenger of Allâh ﷺ said: "Any man who gives a lifelong gift to another man, it belongs to him (the recipient) and to his descendents, and to those who inherit from him." (*Ṣaḥîḥ*)

تخريج: [**إسناده حسن**] وهو في الكبرى، ح: ٦٥٧٥ * أبو عمر الصنعاني هو حفص بن ميسرة.

Comments:

Even if he does not state, 'for your children or descendants,' even then it would go to his children in inheritance. The previous narrations contain its clarification.

٣٧٧٥ - أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ ابْنِ عَبْدِ الرَّحْمٰنِ، عَنْ جَابِرٍ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ أَعْمَرَ رَجُلًا عُمْرَى لَهُ وَلِعَقِبِهِ، فَقَدْ قَطَعَ قَوْلُهُ حَقَّهُ، وَهِيَ لِمَنْ أُعْمِرَ وَلِعَقِبِهِ».

3775. Al-Laith narrated from Ibn Shihâb, from Abû Salamah bin 'Abdur-Raḥmân, from Jâbir, who said: "I heard the Messenger of Allâh ﷺ say: 'Whoever gives a lifelong gift to a man, it belongs to him and to his heirs; his words (when he gave the gift) put an end to his rights over it, and it belongs to the one to whom it was given on the basis of *'Umra*, and to his heirs.'" (*Ṣaḥîḥ*)

تخريج: [**صحيح**] تقدم، ح: ٣٧٧٢، وهو في الكبرى، ح: ٦٥٧٦.

٣٧٧٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ، عَنْ مَالِكٍ، عَنِ ابْنِ

3776. Mâlik narrated from Ibn Shihâb, from Abû Salamah, from Jâbir that the Messenger of Allâh ﷺ said: "Any man who is given a

شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أَيُّمَا رَجُلٍ أُعْمِرَ عُمْرَى لَهُ وَلِعَقِبِهِ فَإِنَّهَا لِلَّذِي يُعْطَاهَا، لَا تَرْجِعُ إِلَى الَّذِي أَعْطَاهَا، لأَنَّهُ أَعْطَى عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ».

gift on the basis of *'Umra*, it belongs to him and to his descendents. It belongs to the one to whom he gave it, and it cannot be taken back by the one who gave it, because he has given a gift, and it comes to the heirs of the one to whom it was given." (***Sahîh***)

تخريج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبرٰى، ح: ٦٥٧٧ .

٣٧٧٧ - أَخْبَرَنَا عِمْرَانُ بْنُ بَكَّارٍ قَالَ: حَدَّثَنَا أَبُو الْيَمَانِ قَالَ: حَدَّثَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ قَالَ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمٰنِ أَنَّ جَابِرًا أَخْبَرَهُ: أَنَّ رَسُولَ اللهِ ﷺ قَضَى: «أَنَّهُ مَنْ أَعْمَرَ رَجُلًا عُمْرَى لَهُ وَلِعَقِبِهِ فَإِنَّهَا لِلَّذِي أُعْمِرَهَا، يَرِثُهَا مِنْ صَاحِبِهَا الَّذِي أَعْطَاهَا مَا وَقَعَ مِنْ مَوَارِيثِ اللهِ وَحَقِّهِ».

3777. Shua'ib narrated from Az-Zuhrî, who said: "Abû Salamah bin 'Abdur-Rahmân narrated to me, that Jâbir told him: 'The Messenger of Allâh ﷺ ruled that whoever gives a lifelong gift to a man, it belongs to him and to his heirs. It belongs to the one to whom it was given, on the basis of *'Umra*. It will be inherited from its recipient according to Allâh's (injunctions on) inheritance and its rights.'" (***Sahîh***)

تخريج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبرٰى، ح: ٦٥٧٨.

٣٧٧٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الْحَكَمِ عَنِ ابْنِ أَبِي فُدَيْكٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ عَنْ جَابِرٍ: أَنَّ رَسُولَ اللهِ ﷺ قَضَى فِيمَنْ أُعْمِرَ عُمْرَى لَهُ وَلِعَقِبِهِ: «فَهِيَ لَهُ بَتْلَةٌ لَا يَجُوزُ لِلْمُعْطِي مِنْهَا شَرْطٌ وَلَا ثُنْيَا». قَالَ أَبُو سَلَمَةَ: لأَنَّهُ أَعْطَاهَا عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ، فَقَطَعَتِ الْمَوَارِيثُ شَرْطَهُ.

3778. Ibn Abî Dhi'b narrated from Ibn Shihâb, from Abû Salamah, from Jâbir, that the Messenger of Allâh ﷺ ruled – concerning a person who has been given a lifelong gift (*'Umra*) – that it belongs to him and to his descendents: "It is undoubtedly his, and it is not permissible for the giver to stipulate any conditions or exceptions." Abû Salamah said: "Because he gave it as a gift and thus, it is subject to the same ruling as the estate, and the condition (that it will revert to the giver on the death of recipient) has become invalid." (***Sahîh***)

تخريج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبرٰى، ح: ٦٥٧٩ .

3779. Sâliḥ narrated from Ibn Shihâb, that Abû Salamah informed him from Jâbir, that the Messenger of Allâh ﷺ said: "Any man who gives a lifelong gift to another man, it belongs to him (the recipient) and his descendents. He said: 'I have given it to you and to your descendents so long as any of you are still alive.' So it belongs to the one to whom it was given, and it cannot revert to the first owner, since he has given it as a gift, and as such, it becomes subject to the same ruling as the estate." (*Ṣaḥîḥ*)

٣٧٧٩ - أَخْبَرَنَا أَبُو دَاوُدَ سُلَيْمَانُ بْنُ سَيْفٍ قَالَ: حَدَّثَنَا يَعْقُوبُ قَالَ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ أَنَّ أَبَا سَلَمَةَ أَخْبَرَهُ عَنْ جَابِرٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أَيُّمَا رَجُلٍ أَعْمَرَ رَجُلًا عُمْرَى لَهُ وَلِعَقِبِهِ. قَالَ: قَدْ أَعْطَيْتُكَهَا وَعَقِبَكَ مَا بَقِيَ مِنْكُمْ أَحَدٌ، فَإِنَّهَا لِمَنْ أُعْطِيَهَا، وَإِنَّهَا لَا تَرْجِعُ إِلَى صَاحِبِهَا مِنْ أَجْلِ أَنَّهُ أَعْطَاهَا عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ».

تخريج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبرٰى، ح: ٦٥٨٠.

3780. Yazîd bin Abî Ḥabîb narrated from Ibn Shihâb, from Abû Salamah, from Jâbir, that the Messenger of Allâh ﷺ ruled concerning *'Umra* – when a man gives a gift to another man, and his descendents, but stipulates that if something happens to you and your descendents, then it will belong to me and my descendents – "It belongs to the one to whom it was given, and to his descendents." (*Ṣaḥîḥ*)

٣٧٨٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا سَعِيدٌ قَالَ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَبِيبٍ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ: أَنَّ رَسُولَ اللهِ ﷺ قَضَى بِالْعُمْرَى أَنْ يَهَبَ الرَّجُلُ لِلرَّجُلِ وَلِعَقِبِهِ الْهِبَةَ وَيَسْتَثْنِيَ إِنْ حَدَثَ بِكَ حَدَثٌ وَبِعَقِبِكَ فَهُوَ إِلَيَّ وَإِلَى عَقِبِي، «إِنَّهَا لِمَنْ أُعْطِيَهَا وَلِعَقِبِهِ».

تخريج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبرٰى، ح: ٦٥٨١.

Chapter 4. Mentioning The Different Reports Narrated From Abû Salamah By Yahya Bin Abî Kathîr And Muḥammad Bin 'Amr

(المعجم ٤) - ذِكْرُ اخْتِلَافِ يَحْيَى بْنِ أَبِي كَثِيرٍ وَمُحَمَّدِ بْنِ عَمْرٍو عَلَى أَبِي سَلَمَةَ فِيهِ (التحفة ١) - ج

3781. Hisham said: "Yaḥya bin Abî Kathîr narrated to us, he said: 'Abû Salamah bin 'Abdur-Raḥmân narrated to me, he said: "I heard

٣٧٨١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ قَالَ: حَدَّثَنَا هِشَامٌ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ قَالَ:

حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِالرَّحْمٰنِ قَالَ: سَمِعْتُ جَابِرًا يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «الْعُمْرَى لِمَنْ وُهِبَتْ لَهُ».

Jâbir say: 'The Messenger of Allâh ﷺ said: "A lifelong gift belongs to the one to whom it was given." (*Ṣaḥîḥ*)

تخريج: [صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبرٰى، ح: ٦٥٨٢.

٣٧٨٢ - أَخْبَرَنَا يَحْيَى بْنُ دُرُسْتَ قَالَ: حَدَّثَنَا أَبُو إِسْمَاعِيلَ قَالَ: حَدَّثَنَا يَحْيَى أَنَّ أَبَا سَلَمَةَ حَدَّثَهُ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ، عَنْ نَبِيِّ اللهِ ﷺ قَالَ: «الْعُمْرَى لِمَنْ وُهِبَتْ لَهُ».

3782. Abû Ismâ'îl said: "Yaḥya narrated to us that Abû Salamah narrated to him, from Jâbir bin 'Abdullâh, from the Prophet of Allâh ﷺ who said: 'A lifelong gift belongs to the one to whom it was given.'" (*Ṣaḥîḥ*)

تخريج: [إسناده صحيح] تقدم، ح: ٣٧٧٢، وهو في الكبرٰى، ح: ٦٥٨٣.

٣٧٨٣ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ عَنْ مُحَمَّدٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا عُمْرَى، فَمَنْ أُعْمِرَ شَيْئًا فَهُوَ لَهُ».

3783. Ismâ'îl narrated from Muḥammad, from Abû Salamah, from Abû Hurairah, that the Messenger of Allâh ﷺ said: "There is no lifelong gift. Whoever is given something as a life-long gift, it belongs to him." (*Ḥasan*)

تخريج: [إسناده حسن] أخرجه ابن ماجه، الهبات، باب العمرٰى، ح: ٢٣٧٩ من حديث محمد بن عمرو بن علقمة الليثي به، وهو في الكبرٰى، ح: ٦٥٨٤.

٣٧٨٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عِيسَى وَعَبْدَةُ بْنُ سُلَيْمَانَ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «مَنْ أُعْمِرَ شَيْئًا فَهُوَ لَهُ».

3784. Muḥammad bin 'Amr said: "Abû Salamah narrated to us, from Abû Hurairah that the Messenger of Allâh ﷺ said: 'Whoever is given something as a lifelong gift, it belongs to him.'" (*Ḥasan*)

تخريج: [إسناده حسن] انظر الحديث السابق، وهو في الكبرٰى، ح: ٦٥٨٥.

٣٧٨٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمْرَى جَائِزَةٌ».

3785. Bashîr bin Nahîk narrated from Abû Hurairah that the Prophet ﷺ said: "A lifelong gift (*'Umra*) is permissible." (*Ṣaḥîḥ*)

تخريج: أخرجه مسلم، الهبات، باب العمرٰى، ح:١٦٢٦ عن محمد بن المثنٰى، والبخاري، الهبة، باب ما قيل في العمرٰى والرقبٰى، ح:٢٦٢٦ من حديث قتادة به، وهو في الكبرٰى، ح:٦٥٨٦ * محمد هو ابن جعفر لقبه غندر.

3786. It was narrated that Qatâdah said: "Sulaimân bin Hishâm asked me about a lifelong gift. I said: 'Muḥammad bin Sîrîn narrated that Shuraiḥ said: "The Prophet of Allâh ﷺ ruled that a lifelong gift is permissible." (*Ṣaḥîḥ*)

Qatâdah said: "I said: 'And An-Naḍr bin Anas narrated to me, from Bashîr bin Nahîk, from Abû Hurairah, that the Prophet of Allâh ﷺ said: "A lifelong gift is permissible."

Qatâdah said: "I said: 'Al-Ḥasan used to say: "A lifelong gift is permissible."

Qatâdah said: "Az-Zuhrî said: 'A lifelong gift is when it is stipulated that it is for the one to whom it is given and his descendents, but if his descendents were not mentioned then the condition is valid (and it reverts to the one who gave it).'"

Qatâdah said: "So 'Aṭâ' bin Abî Rabâḥ was asked, and he said: 'Jâbir bin 'Abdullâh narrated to me that Allâh's Messenger ﷺ said: "*'Umra* is permissible."

Qatâdah said: "Az-Zuhrî said: 'The Caliphs (*Khulafâ'*) did not rule according to this.'"

'Aṭâ' said: "Abdul-Malik bin Marwân ruled according to this."

٣٧٨٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ قَالَ: سَأَلَنِي سُلَيْمَانُ بْنُ هِشَامٍ عَنِ الْعُمْرَى فَقُلْتُ: حَدَّثَ مُحَمَّدُ بْنُ سِيرِينَ عَنْ شُرَيْحٍ قَالَ: قَضَى نَبِيُّ اللهِ ﷺ أَنَّ الْعُمْرَى جَائِزَةٌ.

قَالَ قَتَادَةُ: وَقُلْتُ: حَدَّثَنِي النَّضْرُ بْنُ أَنَسٍ عَنْ بَشِيرِ بْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ نَبِيَّ اللهِ ﷺ قَالَ: «الْعُمْرَى جَائِزَةٌ».

قَالَ قَتَادَةُ: وَقُلْتُ: كَانَ الْحَسَنُ يَقُولُ: الْعُمْرَى جَائِزَةٌ.

قَالَ قَتَادَةُ: فَقَالَ الزُّهْرِيُّ: إِنَّمَا الْعُمْرَى إِذَا أُعْمِرَ وَعَقِبُهُ مِنْ بَعْدِهِ، فَإِذَا لَمْ يَجْعَلْ: عَقِبَهُ مِنْ بَعْدِهِ كَانَ لِلَّذِي يَجْعَلُ، شَرْطُهُ.

قَالَ قَتَادَةُ: فَسُئِلَ عَطَاءُ بْنُ أَبِي رَبَاحٍ فَقَالَ: حَدَّثَنِي جَابِرُ بْنُ عَبْدِ اللهِ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْعُمْرَى جَائِزَةٌ».

قَالَ قَتَادَةُ: فَقَالَ الزُّهْرِيُّ: كَانَ الْخُلَفَاءُ لَا يَقْضُونَ بِهٰذَا.

قَالَ عَطَاءٌ: قَضَى بِهَا عَبْدُ الْمَلِكِ بْنُ مَرْوَانَ.

تخريج: [صحيح] وهو في الكبرٰى، ح:٦٥٨٧، وللحديث شواهد كثيرة.

Comments:

Qatadah رحمه الله has narrated all these statements in order to make the understanding of this issue plain. A Caliph's not passing verdict according to

an authentic narration in no way makes that *Hadîth* weak. However, it transpires from these statements that it is a controversial issue. But the fact of the matter is exactly that one which is proved by *Hadîth*, as has already been described in detail.

Chapter 5. A Woman Giving A Gift Without Her Husband's Permission

(المعجم ٥) - عَطِيَّةُ الْمَرْأَةِ بِغَيْرِ إِذْنِ زَوْجِهَا (التحفة ٢)

3787. It was narrated from 'Amr bin Shu'aib, from his father, from his grandfather, that the Messenger of Allâh ﷺ said: "It is not permissible for a woman to give a gift from her wealth, once her husband has marital authority over her." This is the wording of (one of the narrators) Muhammad." (*Hasan*)

٣٧٨٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْمَرٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ؛ ح وَأَخْبَرَنِي إِبْرَاهِيمُ بْنُ يُونُسَ بْنِ مُحَمَّدٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ دَاوُدَ - وَهُوَ ابْنُ أَبِي هِنْدٍ - وَحَبِيبٍ الْمُعَلِّمِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَجُوزُ لِامْرَأَةٍ هِبَةٌ فِي مَالِهَا إِذَا مَلَكَ زَوْجُهَا عِصْمَتَهَا». اللَّفْظُ لِمُحَمَّدٍ.

تخريج: [إسناده حسن] أخرجه أبو داود، البيوع، باب: في عطية المرأة بغير إذن زوجها، ح:٣٥٤٦ من حديث حماد بن سلمة به، وهو في الكبرى، ح:٦٥٨٩، ٦٥٩٠، وصححه الحاكم:٢/٤٧، ووافقه الذهبي، وله طريق آخر عند ابن ماجه، ح:٢٣٨٨ عن عمرو بن شعيب به.

Comments:

It transpires from this *Hadîth* that a woman may not give presents from her own wealth also, without the permission or approval of her husband.

3788. It was narrated from 'Amr bin Shu'aib, from his father, that his grandfather said: "When the Messenger of Allâh ﷺ conquered Makkah, he stood up to address (the people) and said in his *Khutbah*: 'It is not permissible for a woman to give (a gift) except with her husband's permission.'" (*Da'îf*)

٣٧٨٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا حُسَيْنٌ الْمُعَلِّمُ عَنْ عَمْرِو بْنِ شُعَيْبٍ: أَنَّ أَبَاهُ حَدَّثَهُ عَنْ عَبْدِ اللهِ بْنِ عَمْرٍو؛ ح وَأَخْبَرَنَا حُمَيْدُ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ [قَالَ]: حَدَّثَنَا حُسَيْنٌ الْمُعَلِّمُ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: لَمَّا فَتَحَ رَسُولُ اللهِ ﷺ مَكَّةَ قَامَ خَطِيبًا فَقَالَ فِي خُطْبَتِهِ: «لَا يَجُوزُ لِامْرَأَةٍ عَطِيَّةٌ إِلَّا بِإِذْنِ زَوْجِهَا».

تخريج: [إسناده ضعيف] تقدم، ح:٢٥٤١، وهو في الكبرى، ح:٦٥٩١، ٦٥٩٢.

3789. It was narrated that 'Abdur-Raḥmân bin 'Alqamah Ath-Thaqafî said: "The delegation of Thaqîf came to the Messenger of Allâh ﷺ, bringing a gift with them. He said: 'Is it a gift or charity?' If it was a gift it would be for the sake of the Messenger of Allâh ﷺ and to have their needs met, and if it was charity then it would be in the cause of Allâh. They said: 'It is a gift.' So he accepted it from them, and sat with them, and they asked questions, until he prayed *Ẓuhr* with *'Aṣr*." (***Ḍa'îf***)

٣٧٨٩ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ قَالَ: حَدَّثَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ عَنْ يَحْيَى بْنِ هَانِيءٍ، عَنْ أَبِي حُذَيْفَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ مُحَمَّدِ بْنِ بَشِيرٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ عَلْقَمَةَ الثَّقَفِيِّ قَالَ: قَدِمَ وَفْدُ ثَقِيفٍ عَلَىٰ رَسُولِ اللهِ ﷺ وَمَعَهُمْ هَدِيَّةٌ فَقَالَ: «أَهَدِيَّةٌ أَمْ صَدَقَةٌ؟» فَإِنْ كَانَتْ هَدِيَّةٌ فَإِنَّمَا يُبْتَغَى بِهَا وَجْهُ رَسُولِ اللهِ ﷺ وَقَضَاءُ الْحَاجَةِ، وَإِنْ كَانَتْ صَدَقَةٌ فَإِنَّمَا يُبْتَغَى بِهَا وَجْهُ اللهِ عَزَّ وَجَلّ قَالُوا: لَا بَلْ هَدِيَّةٌ فَقَبِلَهَا مِنْهُمْ، وَقَعَدَ مَعَهُمْ يَسْأَلُهُمْ وَيَسْأَلُونَهُ حَتَّى صَلَّى الظُّهْرَ مَعَ الْعَصْرِ.

تخريج: [إسناده ضعيف] أخرجه البخاري في التاريخ الكبير:٥/ ٢٥٠، ٢٥١ من حديث أبي بكر بن عياش به، وهو في الكبرى، ح:٦٥٩٣ * أبو حذيفة وعبدالملك مجهولان، وأبوبكر بن عياش تقدم حاله، ح:٧٨٠.

3790. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "I was thinking of not accepting gifts except from a Qurashî, an Anṣârî, a Thaqafî or a Dawsî." (***Ṣaḥîḥ***)

٣٧٩٠ - أَخْبَرَنَا أَبُو عَاصِمٍ خُشَيْشُ بْنُ أَصْرَمَ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ قَالَ: حَدَّثَنَا مَعْمَرٌ عَنِ ابْنِ عَجْلَانَ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَقَدْ هَمَمْتُ أَنْ لَا أَقْبَلَ هَدِيَّةً إِلَّا مِنْ قُرَشِيٍّ أَوْ أَنْصَارِيٍّ أَوْ ثَقَفِيٍّ أَوْ دَوْسِيٍّ».

تخريج: [صحيح] أخرجه الحميدي، ح:١٠٥٧ من حديث محمد بن عجلان به، وهو في الكبرى، ح:٦٥٩٤، ومصنف عبدالرزاق:١١/ ٦٥، ح:١٩٩٢١ * ابن عجلان تابعه أيوب (الترمذي، ح:٣٩٤٥)، وأبو معشر، وصححه الحاكم:٢/ ٦٢، ٦٣ على شرط مسلم، ووافقه الذهبي، وللحديث شواهد عند ابن حبان، ح:١١٤٥، ١١٤٦ وغيره.

Comments:

The reason for this command was that a Bedouin once made a gift of a camel to the Prophet ﷺ. Allâh's Messenger ﷺ in return, gave him six she-camels, but still he was not pleased. That is why he uttered this statement.

3791. It was narrated from Anas that some meat was brought to the Messenger of Allâh ﷺ and he said: "What is this?" "It was said: "It was given in charity to Barîrah." He said: "It is charity for her and a gift for us."' (*Ṣaḥîḥ*)

٣٧٩١ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا وَكِيعٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عنْ أَنَسٍ: أَنَّ رَسُولَ اللهِ ﷺ أُتِيَ بِلَحْمٍ فَقَالَ: «مَا هٰذَا؟» فَقِيلَ: تُصُدِّقَ بِهِ عَلَى بَرِيرَةَ فَقَالَ: «هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ».

تخريج: أخرجه البخاري، الزكٰوة، باب: إذا تحولت الصدقة، ح:١٤٩٥، ومسلم، الزكٰوة، باب إباحة الهدية للنبي ﷺ ... إلخ، ح:١٠٧٤ من حديث وكيع به، وهو في الكبرٰى، ح:٦٥٩٥.

Comments:

The purpose or objective of this *Ḥadîth* is: a poor person may give a present out of the wealth of charity; and it could be accepted by one and all; whether he be rich or poor.

35. The Book Of Oaths And Vows

(المعجم ٣٥) - كِتَابُ الأَيمَانِ وَالنُّذُورِ (التحفة ١٨)

Note:

To swear an oath is called *Yamîn* in Arabic. Lexically *Yamîn* signifies the right hand. The Arabs used to place their right hand upon the hand of the other party in order to ascertain a bargain or promise. One swears in order to make a matter certain. That is why they placed their hand upon the hand of others at the time of swearing. *Nadhr* or vow, means making some lawful act obligatory upon oneself that was not made obligatory by Allâh, Most High. It could either be a physical or monetary act.

Chapter 1. (The Oath Of The Prophet ﷺ)

(المعجم ١) - [بَابٌ: كَيْفَ كَانَتْ يَمِينُ النَّبِيِّ ﷺ] (التحفة ١)

3792. It was narrated that Ibn 'Umar said: "The oath[1] by which the Messenger of Allâh ﷺ used to swear was: 'No, by the Controller of the hearts.'" (*Ṣaḥîḥ*)

٣٧٩٢ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ الرُّهَاوِيُّ وَمُوسَى بْنُ عَبْدِ الرَّحْمٰنِ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مُوسَى ابْنِ عُقْبَةَ، عَنْ سَالِمِ بْنِ عَبْدِ اللهِ بْنِ عُمَرَ، عَنِ ابْنِ عُمَرَ قَالَ: كَانَتْ يَمِينٌ يَحْلِفُ عَلَيْهَا رَسُولُ اللهِ ﷺ: «لَا وَمُقَلِّبِ الْقُلُوبِ!».

تخريج: أخرجه البخاري، الأيمان والنذور، باب: كيف كانت يمين النبي ﷺ؟، ح:٦٦٢٨ من حديث سفيان الثوري به، وهو في الكبرٰى، ح:٤٧٠٣.

Comments:

The relevance of this phrasing is that to remain steadfast upon one's oath depends upon the strength and the perseverance of the heart. And the heart happens to be in Allâh's control.

Chapter 2. Swearing By The Controller Of The Hearts

(المعجم ٢) - الْحَلِفُ بِمُصَرِّفِ الْقُلُوبِ (التحفة ٢)

3793. It was narrated from Sâlim that his father said: "The oath by which the Messenger of Allâh ﷺ

٣٧٩٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ عَبْدِ اللهِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ الصَّلْتِ أَبُو يَعْلَى

[1] Here the term *Ḥalf* means when swearing, one says: "By Allâh..." or similar. In the translation we usually distinguished it from *Yamîn* by: "Swearing by..." It is often mentioned with *Yamîn* as in this narration.

used to swear was: 'No, by the Controller of the hearts.'" (*Ḍa'îf*)

قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ رَجَاءٍ عَنْ عَبَّادِ بْنِ إِسْحَاقَ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ: كَانَتْ يَمِينُ رَسُولِ اللهِ ﷺ الَّتِي يَحْلِفُ بِهَا: «لَا وَمُصَرِّفِ الْقُلُوبِ!».

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الكفارات، باب يمين رسول الله ﷺ التي كان يحلف بها، ح:٢٠٩٢ من حديث عبدالله بن رجاء المكي به، وهو في الكبرى، ح:٤٧٠٤، والحديث السابق يغني عنه .

Comments:

'No': This is the negation of the utterance that preceded. So to say, this oath was stated in order to negate some utterance. It might have occurred for emphasis.

Chapter 3. Swearing By The Glory (*'Izzah*)[1] Of Allâh

(المعجم ٣) - الْحَلِفُ بِعِزَّةِ اللهِ تَعَالَى (التحفة ٣)

3794. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "When Allâh created Paradise and Hell, He sent Jibrîl, peace be upon him, to Paradise and said: 'Look at it and at what I have prepared for its people in it.' He looked at it, then he came back and said: 'By Your Glory, no one will hear of it but he will enter it.' So He commanded that it be surrounded by hardships and said: 'Go and look at it and at what I have prepared for its people in it.' He looked at it and saw that it had been surrounded with hardships. He (Jibrîl) said: 'By Your Glory, I fear that no one will enter it.' He (Allâh) said: 'Go and look at the Fire and at what I have prepared for its people in it.' So he looked at it and parts of it were piled upon other parts. He came

٣٧٩٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا الْفَضْلُ بْنُ مُوسَى قَالَ: حَدَّثَنِي مُحَمَّدُ ابْنُ عَمْرٍو قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «لَمَّا خَلَقَ اللهُ الْجَنَّةَ وَالنَّارَ أَرْسَلَ جِبْرِيلَ عَلَيْهِ السَّلَامُ إِلَى الْجَنَّةِ فَقَالَ: انْظُرْ إِلَيْهَا وَإِلَىٰ مَا أَعْدَدْتُ لِأَهْلِهَا فِيهَا، فَنَظَرَ إِلَيْهَا فَرَجَعَ فَقَالَ: وَعِزَّتِكَ! لَا يَسْمَعُ بِهَا أَحَدٌ إِلَّا دَخَلَهَا، وَأَمَرَ بِهَا فَحُفَّتْ بِالْمَكَارِهِ فَقَالَ: اذْهَبْ إِلَيْهَا فَانْظُرْ إِلَيْهَا وَإِلَىٰ مَا أَعْدَدْتُ لِأَهْلِهَا فِيهَا، فَنَظَرَ إِلَيْهَا فَإِذَا هِيَ قَدْ حُفَّتْ بِالْمَكَارِهِ فَقَالَ: وَعِزَّتِكَ! لَقَدْ خَشِيتُ أَنْ لَا يَدْخُلَهَا أَحَدٌ قَالَ: اذْهَبْ فَانْظُرْ إِلَىٰ النَّارِ وَإِلَىٰ مَا أَعْدَدْتُ لِأَهْلِهَا فِيهَا، فَنَظَرَ إِلَيْهَا فَإِذَا هِيَ يَرْكَبُ

[1] *'Izzah*: Might, honor, glory, or similar meanings, depending upon the context.

back and said: 'By Your Glory, no one will enter it.' So He commanded that it be surrounded with pleasures and said: 'Go and look at it.' So he looked at it and saw that it was surrounded with pleasures. He came back and said: 'By Your Glory, I fear that no one will be saved from it and all will enter it.'" (*Hasan*)

بَعْضُهَا بَعْضًا، فَرَجَعَ فَقَالَ: وَعِزَّتِكَ! لَا يَدْخُلُهَا أَحَدٌ، فَأَمَرَ بِهَا فَحُفَّتْ بِالشَّهَوَاتِ فَقَالَ: ارْجِعْ فَانْظُرْ إِلَيْهَا، فَنَظَرَ إِلَيْهَا فَإِذَا هِيَ قَدْ حُفَّتْ بِالشَّهَوَاتِ فَرَجَعَ وَقَالَ: وَعِزَّتِكَ! لَقَدْ خَشِيتُ أَنْ لَا يَنْجُوَ مِنْهَا أَحَدٌ إِلَّا دَخَلَهَا».

تخريج: [إسناده حسن] أخرجه أبو داود، السنة، باب: في خلق الجنة، ح:٤٧٤٤، والترمذي، ح:٢٥٦٠ من حديث محمد بن عمرو بن علقمة الليثي به، وقال الترمذي: "حسن صحيح"، وهو في الكبرٰى، ح:٤٧٠٢، وصححه ابن حبان، والحاكم على شرط مسلم: ١/ ٢٦، ٢٧، ووافقه الذهبي.

Chapter 4. The Stern Warning Against Swearing By Anything Other Than Allâh

(المعجم ٤) - التَّشْدِيدُ فِي الحَلِفِ بِغَيْرِ اللهِ تَعَالَى (التحفة ٤)

3795. It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever swears, let him not swear by anything other than Allâh.'" The Quraish used to swear by their forefathers, and so he said: "Do not swear by your forefathers." (*Sahîh*)

٣٧٩٥ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ عَنْ إِسْمَاعِيلَ، - هُوَ ابْنُ جَعْفَرٍ - قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ دِينَارٍ عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَ حَالِفًا فَلَا يَحْلِفْ إِلَّا بِاللَّهِ». وَكَانَتْ قُرَيْشٌ تَحْلِفُ بِآبَائِهَا فَقَالَ: «لَا تَحْلِفُوا بِآبَائِكُمْ».

تخريج: أخرجه مسلم، الأيمان، باب النهي عن الحلف بغير الله تعالى، ح:١٦٤٦/ ٤ عن علي بن حجر، والبخاري، مناقب الأنصار، باب أيام الجاهلية، ح:٣٨٣٦ من حديث إسماعيل بن جعفر به، وهو في الكبرٰى، ح:٤٧٠٥.

3796. Yahya bin Abî Ishâq said: "A man from Banu Ghifâr told me, in the gathering of Sâlim bin 'Abdullâh, Sâlim bin 'Abdullâh said: 'I heard 'Abdullâh – that is, Ibn 'Umar – say: "The Messenger of Allâh ﷺ said: 'Allâh forbids you to swear by your forefathers.'" (*Sahîh*)

٣٧٩٦ - أَخْبَرَنِي زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي إِسْحَاقَ قَالَ: حَدَّثَنِي رَجُلٌ مِنْ بَنِي غِفَارٍ فِي مَجْلِسِ سَالِمِ بْنِ عَبْدِ اللهِ، قَالَ سَالِمُ بْنُ عَبْدِاللهِ سَمِعْتُ عبدَاللهِ - يَعْنِى ابْنَ عُمَرَ - وَهُوَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ اللهَ

يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ».

تخريج: [إسناده صحيح] أخرجه أحمد: ٢/٤٨ عن إسماعيل ابن علية به، وهو في الكبرٰى، ح:٤٧٠٦ * رجل من بني غفار أقره سالم عليه، وللحديث شواهد، منها الحديث السابق.

Chapter 5. Swearing By One's Forefathers

(المعجم ٥) - الحَلِفُ بِالآبَاءِ (التحفة ٥)

3797. It was narrated from Sâlim, from *his* father, *that on one* occasion the Prophet ﷺ heard 'Umar saying: "By my father and by my mother." He said: "Allâh forbids you to swear by your forefathers." 'Umar said: "By Allâh, I never swore by them again, whether saying it for myself or reporting it of others." (*Ṣaḥîḥ*)

٣٧٩٧ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ وَقُتَيْبَةُ ابْنُ سَعِيدٍ - وَاللَّفْظُ لَهُ - قَالَا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ: أَنَّهُ سَمِعَ النَّبِيُّ ﷺ عُمَرَ مَرَّةً وَهُوَ يَقُولُ: وَأَبِي! وَأَبِي! فَقَالَ: «إِنَّ اللهَ يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ» فَوَاللَّهِ! مَا حَلَفْتُ بِهَا بَعْدُ ذَاكِرًا وَلَا آثِرًا.

تخريج: أخرجه البخاري، الأيمان والنذور، باب: لا تحلفوا بآبائكم، ح:٦٦٤٧ تعليقًا، ومسلم، الأيمان، باب النهي عن الحلف بغير الله، ح:١٦٤٦ من حديث سفيان بن عيينة به، وهو في الكبرٰى، ح:٤٧٠٧.

Comments:

'For myself' means intentionally, on his own, and he never quoted someone else having taken an oath like this.

3798. It was narrated from 'Umar that the Prophet ﷺ said: "Allâh *forbids you to swear by your* forefathers." 'Umar said: "By Allâh, I never swore by them again, whether saying it for myself or reporting of others." (*Ṣaḥîḥ*)

٣٧٩٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ وَسَعِيدُ بْنُ عَبْدِ الرَّحْمٰنِ - وَاللَّفْظُ لَهُ - قَالَا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، عَنْ عُمَرَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «إِنَّ اللهَ يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ» قَالَ عُمَرُ: فَوَاللَّهِ! مَا حَلَفْتُ بِهَا بَعْدُ ذَاكِرًا وَلَا آثِرًا.

تخريج: أخرجه البخاري، ح:٦٦٤٧، ومسلم، ح:١٦٤٦/٢ من حديث سفيان بن عيينة به، انظر الحديث السابق، وهو في الكبرٰى، ح:٤٧٠٨.

3799. It was narrated from Sâlim, from his father, that he told him from 'Umar: "The Messenger of Allâh ﷺ said: 'Allâh forbids you to

٣٧٩٩ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ سَعِيدٍ قَالَ: حَدَّثَنَا مُحَمَّدٌ - وَهُوَ ابْنُ حَرْبٍ - عَنِ الزُّبَيْدِيِّ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ،

swear by your forefathers.'" 'Umar said: "By Allâh, I never swore by them again, whether saying it for myself or reporting it of others." (*Ṣaḥîḥ*)

عَنْ أَبِيهِ، أَنَّهُ أَخْبَرَهُ عَنْ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «إِنَّ اللهَ يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ». قَالَ عُمَرُ: فَوَاللهِ! مَا حَلَفْتُ بِهَا بَعْدُ ذَاكِرًا وَلَا آثِرًا.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٤٧٠٩.

Chapter 6. Swearing By One's Mother

(المعجم ٦) - الحَلِفُ بِالأُمَّهَاتِ (التحفة ٦)

3800. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not swear by your fathers, nor by your mothers nor by the idols. Swear only by Allâh, and do not swear unless you are sincere.'" (*Ṣaḥîḥ*)

٣٨٠٠ - أَخْبَرَنَا أَبُو بَكْرِ بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُعَاذٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا عَوْفٌ عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تَحْلِفُوا بِآبَائِكُمْ وَلَا بِأُمَّهَاتِكُمْ وَلَا بِالْأَنْدَادِ، وَلَا تَحْلِفُوا إِلَّا بِاللهِ، وَلَا تَحْلِفُوا إِلَّا وَأَنْتُمْ صَادِقُونَ».

تخريج: [إسناده صحيح] أخرجه أبو داود، الأيمان والنذور، باب كراهية الحلف بالآباء، ح:٣٢٤٨ عن عبيدالله بن معاذ به، وهو في الكبرى، ح:٤٧١٠، وصححه ابن حبان، ح:١١٧٦.

Comments:

'Or by idols': The Arabic term used in the report is *Andâd* (equals or rivals) (singular is *Nidd*), which signifies any object of adoration to which some or all of Allâh's qualities are ascribed. It denotes (literally) those people whom people consider worthy of worship, or treat them in that way, irrespective of whether they are dead or alive.

Chapter 7. Swearing By A Religion Other Than Islam

(المعجم ٧) - الحَلِفُ بِمِلَّةٍ سِوَى الإِسْلَامِ (التحفة ٧)

3801. It was narrated that Thâbit bin Aḍ-Ḍaḥḥâk said: "The Messenger of Allâh ﷺ said: 'Whoever swears by a religion other than Islam, telling a lie, will be as he said.'" (*Ṣaḥîḥ*)

In his narration, Qutaibah said: "Intentionally." Yazîd said:

٣٨٠١ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ خَالِدٍ؛ ح وَأَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ بَزِيعٍ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ أَبِي قِلَابَةَ، عَنْ ثَابِتِ بْنِ الضَّحَّاكِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ

"Telling a lie will be as he said, and whoever kills himself with something. Allâh will punish him with it in the Fire of Hell."

حَلَفَ بِمِلَّةٍ سِوَى الْإِسْلَامِ كَاذِبًا فَهُوَ كَمَا قَالَ» قَالَ قُتَيْبَةُ فِي حَدِيثِهِ: «مُتَعَمِّدًا» وَقَالَ يَزِيدُ: «كَاذِبًا فَهُوَ كَمَا قَالَ، وَمَنْ قَتَلَ نَفْسَهُ بِشَيْءٍ عَذَّبَهُ اللهُ بِهِ فِي نَارِ جَهَنَّمَ».

تخريج: أخرجه البخاري، الجنائز، باب ماجاء في قاتل النفس، ح:١٣٦٣ من حديث يزيد بن زريع، ومسلم، الإيمان، باب بيان غلظ تحريم قتل الإنسان نفسه ... إلخ، ح:١١٠/١٧٧ من حديث خالد الحذاء به، وهو في الكبرى، ح:٤٧١١.

Comments:

The form of such an oath is that someone says: "By Christianity..." or the like. And they also say it is when he says: (By Allâh) if I do so and so work, I may turn a Jew or Christian, etc.' He has, however, already done that work, and he remembers it also. Or he says: 'If I do such and such work, I am a Jew or Christian.' While his intention is to do that work, he is swearing only to deceive. Apparently, he has chosen to turn a Jew or Christian. So to speak, he is actually a Jew or Christian.

3802. Thâbit bin Aḍ-Ḍaḥḥâk narrated that the Messenger of Allâh ﷺ said: "Whoever swears by a religion other than Islam, telling a lie, will be as he said, and whoever kills himself with something will be punished with it in the Hereafter." (*Ṣaḥîḥ*)

٣٨٠٢ - أَخْبَرَنِي مَحْمُودُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا أَبُو الْوَلِيدِ قَالَ: حَدَّثَنَا أَبُو عَمْرٍو عَنْ يَحْيَى، أَنَّهُ حَدَّثَهُ قَالَ: حَدَّثَنِي أَبُو قِلَابَةَ قَالَ: حَدَّثَنِي ثَابِتُ بْنُ الضَّحَّاكِ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ حَلَفَ بِمِلَّةٍ سِوَى الْإِسْلَامِ كَاذِبًا فَهُوَ كَمَا قَالَ، وَمَنْ قَتَلَ نَفْسَهُ بِشَيْءٍ عُذِّبَ بِهِ فِي الْآخِرَةِ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٤٧١٢.

Chapter 8. Swearing That One Has Nothing To Do With Islam

(المعجم ٨) - الحَلِفُ بِالبَرَاءَةِ مِنَ الإِسْلامِ (التحفة ٨)

3803. It was narrated from 'Abdullâh bin Buraidah that his father said: "The Messenger of Allâh ﷺ said: 'Whoever says: I have nothing to do with Islam, if he is lying then he is as he said, and if he is telling the truth, his Islam will not be sound." (*Ḥasan*)

٣٨٠٣ - أَخْبَرَنَا الْحُسَيْنُ بْنُ حُرَيْثٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى عَنْ حُسَيْنِ بْنِ وَاقِدٍ، عَنْ عَبْدِ اللهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ قَالَ: إِنِّي بَرِيءٌ مِنَ الْإِسْلَامِ: فَإِنْ كَانَ كَاذِبًا فَهُوَ كَمَا قَالَ، وَإِنْ

كَانَ صَادِقًا لَمْ يَعُدْ إِلَى الْإِسْلَامِ سَالِمًا».

تخريج: [إسناده حسن] أخرجه ابن ماجه، الكفارات، باب من حلف بملة غير الإسلام، ح:٢١٠٠ من حديث الفضل بن موسى به، وهو في الكبرى، ح:٤٧١٣، وصححه الحاكم على شرط الشيخين: ٤/ ٢٩٨، ووافقه الذهبي.

Comments:

'His Islam will not be sound' means he would be considered to have sinned on account of uttering such words, because these are extremely ignominious words; as it were, he considered Islam very insignificant. Even if he is truthful, there is no room for such insensitivity.

Chapter 9. Swearing By The Ka'bah

(المعجم ٩) - الْحَلِفُ بِالْكَعْبَةِ (التحفة ٩)

3804. It was narrated from 'Abdullâh bin Yasâr, from Qutailah, a woman from Juhainah, that a Jew came to the Prophet ﷺ and said: "You are setting up rivals (to Allâh) and associating others (with Him). You say: 'Whatever Allâh wills and you will,' and you say: 'By the Ka'bah.'" So the Prophet ﷺ commanded them, if they wanted to swear an oath, to say: "By the Lord of the Ka'bah;" and to say: "Whatever Allâh wills, then what you will." (*Sahîh*)

٣٨٠٤ - أَخْبَرَنَا يُوسُفُ بْنُ عِيسَى قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَى قَالَ: حَدَّثَنَا مِسْعَرٌ عَنْ مَعْبَدِ بْنِ خَالِدٍ، عَنْ عَبْدِ اللهِ بْنِ يَسَارٍ، عَنْ قُتَيْلَةَ امْرَأَةٍ مِنْ جُهَيْنَةَ: أَنَّ يَهُودِيًّا أَتَى النَّبِيَّ ﷺ فَقَالَ: إِنَّكُمْ تُنَدِّدُونَ وَإِنَّكُمْ تُشْرِكُونَ: تَقُولُونَ: مَا شَاءَ اللهُ وَشِئْتَ، وَتَقُولُونَ: وَالْكَعْبَةِ! فَأَمَرَهُمُ النَّبِيُّ ﷺ إِذَا أَرَادُوا أَنْ يَحْلِفُوا أَنْ يَقُولُوا: وَرَبِّ الْكَعْبَةِ! وَيَقُولُ أَحَدٌ مَا شَاءَ اللهُ ثُمَّ شِئْتَ.

تخريج: [إسناده صحيح] أخرجه أحمد: ٦/ ٣٧١ من حديث معبد الجدلي القيسي به، وهو في الكبرى، ح: ٤٧١٤، وصححه الحاكم: ٤/ ٢٩٧، ووافقه الذهبي * عبدالله بن يسار هو الجهني الكوفي.

Comments:

The Ka'bah is a created being, and swearing or taking an oath by something which is created (by Allâh) is not lawful.

Chapter 10. Swearing By False Gods (*At-Tawâghît*)

(المعجم ١٠) - الْحَلِفُ بِالطَّوَاغِيتِ (التحفة ١٠)

3805. It was narrated from 'Abdur-Rahmân bin Samurah that the Prophet ﷺ said: "Do not swear by your forefathers or by false gods (*At-Tawâghît*)." (*Sahîh*)

٣٨٠٥ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا هِشَامٌ عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ سَمُرَةَ عَنِ النَّبِيِّ ﷺ

قَالَ: «لَا تَحْلِفُوا بِآبَائِكُمْ وَلَا بِالطَّوَاغِيتِ».

تخريج: أخرجه مسلم، الأيمان، باب من حلف باللات والعزى فليقل: "لا إله إلا الله"، ح:١٦٤٨ من حديث هشام بن حسان به، وهو في الكبرى، ح:٤٧١٥ * يزيد هو ابن هارون.

Comments:

(See *Hadîth* 3800)

Chapter 11. Swearing By Al-Lât

(المعجم ١١) - الحَلِفُ بِاللَّاتِ

(التحفة ١١)

3806. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever among you swears and says: By Al-Lât, let him say: *Lâ ilâha illallâh* (There is none worthy of worship except Allâh). And whoever says to his companion: Come, let us gamble, then let him give in charity.'" (*Sahîh*)

٣٨٠٦ - أَخْبَرَنَا كَثِيرُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنِ الزُّبَيْدِيِّ، عَنِ الزُّهْرِيِّ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ مِنْكُمْ فَقَالَ: بِاللَّاتِ فَلْيَقُلْ: لَا إِلٰهَ إِلَّا اللهُ، وَمَنْ قَالَ لِصَاحِبِهِ: تَعَالَ أُقَامِرْكَ فَلْيَتَصَدَّقْ».

تخريج: أخرجه البخاري، التفسير، باب: ﴿أفرأيتم اللات والعزى﴾، ح:٤٨٦٠، ومسلم، الأيمان، باب من حلف باللات والعزى فليقل: "لا إله إلا الله"، ح:١٦٤٧ من حديث الزهري به، وهو في الكبرى، ح:٤٧١٦.

Comments:

Lât was the name of an idol, which was placed on Mount Safa. Swearing by *Lât* is to imitate the polytheists. Hence, to end such imitative behavior and to remove the doubt of the listener, the command to pronounce *Lâ ilâhâ illallâh* was given.

Chapter 12. Swearing By Al-Lât And Al-'Uzza

(المعجم ١٢) - الحَلِفُ بِاللَّاتِ وَالعُزَّى

(التحفة ١٢)

3807. It was narrated from Mus'ab bin Sa'd that his father said: "We were talking about something, and I had only recently left *Jâhiliyyah* behind, so I swore by Al-Lât and Al-'Uzza. The Companions of the Messenger of Allâh ﷺ said to me: 'What a bad thing you have said!

٣٨٠٧ - أَخْبَرَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا زُهَيْرٌ قَالَ: حَدَّثَنَا أَبُو إِسْحَاقَ عَنْ مُصْعَبِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: كُنَّا نَذْكُرُ بَعْضَ الْأَمْرِ وَأَنَا حَدِيثُ عَهْدٍ بِالْجَاهِلِيَّةِ فَحَلَفْتُ بِاللَّاتِ وَالْعُزَّى،

Go to the Messenger of Allâh ﷺ and tell him, for we think that you have committed *Kufr*.' So I went to him and told him, and he said to me: 'Say: *Lâ ilâha illallâh waḥdahu lâ sharîka lah* (There is none worthy of worship except Allâh alone, with out partner) three times, and seek refuge with Allâh from the *Shaiṭân* three times, and spit dryly to your left three times, and do not say that again.'" (*Ṣaḥîḥ*)

فَقَالَ لِي أَصْحَابُ رَسُولِ اللهِ ﷺ: بِئْسَ مَا قُلْتَ ائْتِ رَسُولَ اللهِ ﷺ فَأَخْبِرْه، فَإِنَّا لَا نَرَاكَ إِلَّا قَدْ كَفَرْتَ، فَأَتَيْتُهُ فَأَخْبَرْتُهُ فَقَالَ لِي: «قُلْ: لَا إِلَهَ إِلَّا اللهُ وَحْدَهُ لَا شَرِيكَ لَهُ ثَلَاثَ مَرَّاتٍ، وَتَعَوَّذْ بِاللَّهِ مِنَ الشَّيْطَانِ ثَلَاثَ مَرَّاتٍ، وَاتْفُلْ عَنْ يَسَارِكَ ثَلَاثَ مَرَّاتٍ، وَلَا تَعُدْ لَهُ».

تخريج: [صحيح] أخرجه ابن ماجه، الكفارات، باب النهي أن يحلف بغير الله، ح:٢٠٩٧ من حديث أبي إسحاق السبيعي به، وهو في الكبرى، ح:٤٧١٧، وانظر الحديث الآتي.

Comments:

Sa'd ﷺ was the Muslim of the very early period of Islam. He is included among the first Muslims. A very few venerable personages had embraced Islam earlier than him. According to his own description, he was the third to embrace Islam. He belonged to the ten to whom, in their lifetime, Paradise had been announced. May Allâh be pleased with him, and he be with Him.

3808. Muṣ'ab bin Sa'd narrated that his father said: "I swore by Al-Lât and Al-'Uzza and my companions said to me: 'What a bad thing you have said! You have said something horrible.' So I went to the Messenger of Allâh ﷺ and told him about that. He said: 'Say: *Lâ ilâha illallâh waḥdahu lâ sharîka lah, lahul-mulk wa lahul-ḥamd wa huwa 'ala kulli shay'in qadîr* (There is none worthy of worship except Allâh with no partner or associate; His is the Dominion, to Him be all praise, and He is able to do all things). Spit to your left three times, seek refuge with Allâh from the *Shaiṭân*, and do not say that again.'" (*Ṣaḥîḥ*)

٣٨٠٨ - أَخْبَرَنَا عَبْدُ الْحَمِيدِ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا مَخْلَدٌ قَالَ: حَدَّثَنَا يُونُسُ بْنُ أَبِي إِسْحَاقَ عَنْ أَبِيهِ قَالَ: حَدَّثَنِي مُصْعَبُ بْنُ سَعْدٍ عَنْ أَبِيهِ قَالَ: حَلَفْتُ بِاللَّاتِ وَالْعُزَّى فَقَالَ لِي أَصْحَابِي: بِئْسَ مَا قُلْتَ قُلْتَ هُجْرًا! فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَذَكَرْتُ ذٰلِكَ لَهُ، فَقَالَ: «قُلْ لَا إِلٰهَ إِلَّا اللهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ، وَانْفُثْ عَنْ يَسَارِكَ ثَلَاثًا، وَتَعَوَّذْ بِاللَّهِ مِنَ الشَّيْطَانِ، ثُمَّ لَا تَعُدْ».

تخريج: [إسناده صحيح] وهو في الكبرى، ح:٤٧١٨، وصححه ابن حبان، ح:١١٧٨، وانظر الحديث السابق.

Chapter 13. Fulfillment Of An Oath (When One Is Adjured To Do Something)

(المعجم ١٣) - إِبْرَارُ الْقَسَمِ (التحفة ١٣)

3809. Al-Barâ' bin 'Âzib said: "The Messenger of Allâh ﷺ commanded us to do seven things: He commanded us to attend funerals, visit the sick, to reply (say: *Yarḥamuk Allâh* (may Allâh have mercy on you)) to one who sneezes, to accept invitations, to support the oppressed, to fulfill oaths (when adjured by another) and to return greetings of *Salâm*." (*Ṣaḥîḥ*)

٣٨٠٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى وَمُحَمَّدُ ابْنُ بَشَّارٍ عَنْ مُحَمَّدٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنِ الْأَشْعَثِ بْنِ سُلَيْمٍ، عَنْ مُعَاوِيَةَ بْنِ سُوَيْدِ بْنِ مُقَرِّنٍ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: أَمَرَنَا رَسُولُ اللهِ ﷺ بِسَبْعٍ: أَمَرَنَا بِاتِّبَاعِ الْجَنَائِزِ، وَعِيَادَةِ الْمَرِيضِ، وَتَشْمِيتِ الْعَاطِسِ، وَإِجَابَةِ الدَّاعِي، وَنَصْرِ الْمَظْلُومِ، وَإِبْرَارِ الْقَسَمِ، وَرَدِّ السَّلَامِ.

تخريج: [صحيح] تقدم، ح:١٩٤١ وهو في الكبرٰى، ح:٤٧١٩.

Comments:

Meaning; when you are requested to take an oath to fulfill a matter and you swear to do such, then you must fulfill it.

Chapter 14. One Who Swears An Oath And Then Sees That Something Else Is Better

(المعجم ١٤) - مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنهَا (التحفة ١٤)

3810. It was narrated from Abû Mûsâ that the Prophet ﷺ said: "There is nothing on Earth that I swear an oath upon, and I see that something else is better, but I do that which is better." (*Ṣaḥîḥ*)

٣٨١٠ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ سُلَيْمَانَ، عَنْ أَبِي السَّلِيلِ، عَنْ زَهْدَمٍ، عَنْ أَبِي مُوسَى عَنِ النَّبِيِّ ﷺ قَالَ: «مَا عَلَى الْأَرْضِ يَمِينٌ، أَحْلِفُ عَلَيْهَا، فَأَرَى غَيْرَهَا خَيْرًا مِنْهَا إِلَّا أَتَيْتُهُ».

تخريج: أخرجه مسلم، الأيمان، باب ندب من حلف يمينًا فرأى غيرها خيرًا منها ... إلخ، ح:١٦٤٩/ ١٠ من حديث سليمان التيمي، والبخاري، فرض الخمس، باب: ومن الدليل على أن الخمس لنوائب المسلمين ... إلخ، ح:٣١٣٣ من حديث زهدم بن مضرب به، وهو في الكبرٰى، ح:٤٧٢٠ * أبو السليل هو ضريب بن نقير.

Chapter 15. Expiation Before Breaking An Oath

(المعجم ١٥) - الكَفَّارَةُ قَبْلَ الحِنْثِ

(التحفة ١٥)

3811. It was narrated that Abû Mûsâ Al-Ash'arî said: "I came to the Messenger of Allâh ﷺ with a group of the Ash'arî people and asked him to give us animals to ride. He said: 'By Allâh, I cannot give you anything to ride and I have nothing to give you to ride.' We stayed as long as Allâh willed, then some camels were brought to him. He ordered that we be given three fine-looking camels. When we left, we said to one another: 'We came to the Messenger of Allâh ﷺ to ask him for animals to ride, and he swore by Allâh that he would not give us anything to ride, then he gave us something.'" Abû Mûsâ said: "We came to the Prophet ﷺ and told him about that. He said: 'I did not give you animals to ride, rather Allâh gave you them to ride. By Allâh, I do not swear an oath and then see something better than it, but I offer expiation for my oath and do that which is better.'" (*Ṣaḥîḥ*)

٣٨١١ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ غَيْلَانَ بْنِ جَرِيرٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَ: أَتَيْتُ رَسُولَ اللهِ ﷺ فِي - يعني رَهْطٍ - مِنَ الْأَشْعَرِيِّينَ نَسْتَحْمِلُهُ فَقَالَ: «وَاللَّهِ! لَا أَحْمِلُكُمْ وَمَا عِنْدِي مَا أَحْمِلُكُمْ» ثُمَّ لَبِثْنَا مَا شَاءَ اللهُ، فَأُتِيَ بِإِبِلٍ، فَأَمَرَ لَنَا بِثَلَاثَةِ ذَوْدٍ، فَلَمَّا انْطَلَقْنَا قَالَ بَعْضُنَا لِبَعْضٍ: لَا يُبَارِكُ اللهُ لَنَا، أَتَيْنَا رَسُولَ اللهِ ﷺ نَسْتَحْمِلُهُ فَحَلَفَ أَنْ لَا يَحْمِلَنَا، قَالَ أَبُو مُوسَى: فَأَتَيْنَا النَّبِيَّ ﷺ فَذَكَرْنَا ذٰلِكَ لَهُ فَقَالَ: «مَا أَنَا حَمَلْتُكُمْ بَلِ اللهُ حَمَلَكُمْ، إِنِّي وَاللَّهِ! لَا أَحْلِفُ عَلَىٰ يَمِينٍ فَأَرَى غَيْرَهَا خَيْرًا مِنْهَا إِلَّا كَفَّرْتُ عَنْ يَمِينِي، وَأَتَيْتُ الَّذِي هُوَ خَيْرٌ».

تخريج: أخرجه البخاري، كفارات الأيمان، باب الاستثناء في الأيمان، ح:٦٧١٨، ومسلم، الأيمان، باب ندب من حلف يمينًا فرأى غيرها خيرًا منها ... إلخ، ح:١٦٤٩ عن قتيبة به، وهو في الكبرٰى، ح:٤٧٢١ * حماد هو ابن زيد.

Comments:

Ash'ar was a clan, on account of which Abû Mûsâ is called Ash'ari. The moment they had reached him, he was incidentally in the state of anger over some matter. Otherwise, he did not have any mounts at that time.

3812. 'Amr bin Shu'aib narrated from his father, from his grandfather, that the Messenger of

٣٨١٢ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَىٰ عَنْ عُبَيْدِ اللهِ بْنِ الْأَخْنَسِ قَالَ:

Allâh ﷺ said: "Whoever swears an oath, then sees something better than it, let him do that which is better." (*Ḥasan*)

حَدَّثَنَا عَمْرُو بْنُ شُعَيْبٍ عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيُكَفِّرْ عَنْ يَمِينِهِ وَلْيَأْتِ الَّذِي هُوَ خَيْرٌ».

تخريج: [إسناده حسن] أخرجه أحمد: ٢/٢١٢ من حديث عبيدالله به مطولاً، وهو في الكبرى، ح: ٤٧٢٣، وللحديث شواهد عند ابن حبان، ح: ١١٨٠ وغيره.

3813. It was narrated from 'Abdur-Raḥmân bin Samurah that the Messenger of Allâh ﷺ said: "If any one of you swears an oath, then he sees something better than it, let him offer expiation for his oath, and look at what is better and do it." (*Ṣaḥîḥ*)

٣٨١٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا الْمُعْتَمِرُ عَنْ أَبِيهِ، عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ سَمُرَةَ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «إِذَا حَلَفَ أَحَدُكُمْ عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيُكَفِّرْ عَنْ يَمِينِهِ، وَلْيَنْظُرِ الَّذِي هُوَ خَيْرٌ، فَلْيَأْتِهِ».

تخريج: أخرجه مسلم، الأيمان، باب ندب من حلف يمينًا فرأى غيرها خيرًا منها ... إلخ، ح: ١٦٥٢ من حديث المعتمر بن سليمان، والبخاري، الأيمان والنذور، باب قول الله تعالى: "لا يؤاخذكم الله باللغو في أيمانكم"، ح: ٦٦٢٢ من حديث الحسن البصري به، وهو في الكبرى، ح: ٤٧٢٤.

3814. 'Abdur-Raḥmân bin Samurah said: "The Messenger of Allâh ﷺ said: 'If you swear an oath, offer expiation for your oath, then do that which is better.'" (*Ṣaḥîḥ*)

٣٨١٤ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا عَفَّانُ قَالَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ قَالَ: سَمِعْتُ الْحَسَنَ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ بْنُ سَمُرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِذَا حَلَفْتَ عَلَى يَمِينٍ فَكَفِّرْ عَنْ يَمِينِكَ، ثُمَّ ائْتِ الَّذِي هُوَ خَيْرٌ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح: ٤٧٢٥.

3815. It was narrated from 'Abdur-Raḥmân bin Samurah that the Prophet ﷺ said: "If you swear an oath, then you see something better than it, then offer expiation for your oath, and do that which is better." (*Ṣaḥîḥ*)

٣٨١٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى الْقُطَعِيُّ عَنْ عَبْدِ الْأَعْلَى - وَذَكَرَ كَلِمَةً مَعْنَاهَا: حَدَّثَنَا - سَعِيدٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ سَمُرَةَ: أَنَّ

النَّبِيِّ ﷺ قَالَ: «إِذَا حَلَفْتَ عَلَىٰ يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا، فَكَفِّرْ عَنْ يَمِينِكَ وَائْتِ الَّذِي هُوَ خَيْرٌ».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٤٧٢٦.

Chapter 16. Expiation After Breaking An Oath

(المعجم ١٦) - الْكَفَّارَةُ بَعْدَ الْحِنْثِ (التحفة ١٦)

3816. It was narrated that 'Adiyy bin Ḥâtim said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees something better than it, let him do that which is better and offer expiation for his oath.'" (*Ṣaḥîḥ*)

٣٨١٦ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مُرَّةَ قَالَ: سَمِعْتُ عَبْدَ اللهِ بْنَ عَمْرٍو مَوْلَى الْحَسَنِ بْنِ عَلِيٍّ، يُحَدِّثُ عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ، وَلْيُكَفِّرْ عَنْ يَمِينِهِ».

تخريج: [صحيح] أخرجه أحمد: ٤/٢٥٦، ٣٧٨ من حديث شعبة به، وهو في الكبرٰى، ح:٤٧٢٧ * عبدالله بن عمرو مستور، والحديث الآتي شاهد له.

Comments:

In the previously recorded narrations, atonement was mentioned before breaking an oath, whereas in this report (and in the upcoming reports), the mention of breaking an oath precedes that of atonement. So to say, both ways are permissible.

3817. It was narrated that 'Adiyy bin Ḥâtim said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees something better than it, let him leave his oath, and do that which is better, and offer expiation for it.'" (*Ṣaḥîḥ*)

٣٨١٧ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنْ أَبِي بَكْرِ بْنِ عَيَّاشٍ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ تَمِيمِ بْنِ طَرَفَةَ، عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ عَلَىٰ يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَدَعْ يَمِينَهُ وَلْيَأْتِ الَّذِي هُوَ خَيْرٌ، وَلْيُكَفِّرْهَا».

تخريج: أخرجه مسلم، الأيمان، باب ندب من حلف يمينًا فرأى غيرها خيرًا منها ... إلخ، ح:١٦٥١ من حديث عبدالعزيز به، وهو في الكبرٰى، ح:٤٧٢٨.

3818. It was narrated that 'Adiyy

٣٨١٨ - أَخْبَرَنَا عَمْرُو بْنُ يَزِيدَ قَالَ:

bin Hâtim said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees something better than it, let him do that which is better and leave his oath.'" (*Ṣaḥîḥ*)

حَدَّثَنَا بَهْزُ بْنُ أَسَدٍ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: أَخْبَرَنِي عَبْدُ الْعَزِيزِ بْنُ رُفَيْعٍ قَالَ: سَمِعْتُ تَمِيمَ بْنَ طَرَفَةَ يُحَدِّثُ عَنْ عَدِيِّ بْنِ حَاتِمٍ، قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ عَلَىٰ يَمِينٍ فَرَأَى خَيْرًا مِنْهَا، فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ، وَلْيَتْرُكْ يَمِينَهُ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرىٰ، ح:٤٧٢٩ .

3819. It was narrated from Abû Al-Aḥwas that his father said: "I said: 'O Messenger of Allâh, I have a cousin, and I come to him and ask him (for help) but he does not give me anything, and he does not uphold the ties of kinship with me. Then, when he needs me, he comes to me and asks me (for help). I swore that I would not give him anything, nor uphold the ties of kinship with him.' He commanded me to do that which is better and to offer expiation for my oath." (*Ṣaḥîḥ*)

٣٨١٩ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ مَنْصُورٍ عَنْ سُفْيَانَ قَالَ: حَدَّثَنَا أَبُو الزَّعْرَاءِ عَنْ عَمِّهِ أَبِي الْأَحْوَصِ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ ابْنَ عَمٍّ لِي: أَتَيْتُهُ أَسْأَلُهُ فَلَا يُعْطِينِي وَلَا يَصِلُنِي، ثُمَّ يَحْتَاجُ إِلَيَّ فَيَأْتِينِي فَيَسْأَلُنِي، وَقَدْ حَلَفْتُ أَنْ لَا أُعْطِيَهُ وَلَا أَصِلَهُ، فَأَمَرَنِي أَنْ آتِيَ الَّذِي هُوَ خَيْرٌ وَأُكَفِّرَ عَنْ يَمِينِي.

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الكفارات، باب من حلف على يمين فرأى غيرها خيرًا منها، ح:٢١٠٩ من حديث سفيان بن عيينة به، وهو في الكبرىٰ، ح:٤٧٣٠، وهو مخرج في مسند الحميدي، ح:٨٨٥ بتحقيقي.

3820. It was narrated that 'Abdur-Raḥmân bin Samurah said: "The Prophet ﷺ said to me: 'If you swear an oath, and you see something that is better, then do that which is better and offer expiation for your oath.'" (*Ṣaḥîḥ*)

٣٨٢٠ - **أَخْبَرَنَا** زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا مَنْصُورٌ وَيُونُسُ عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ سَمُرَةَ قَالَ: قَالَ لِيَ النَّبِيُّ ﷺ: «إِذَا آلَيْتَ عَلَىٰ يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا، فَأْتِ الَّذِي هُوَ خَيْرٌ، وَكَفِّرْ عَنْ يَمِينِكَ».

تخريج: [صحيح] تقدم، ح:٣٨١٣، وهو في الكبرىٰ، ح:٤٧٣١ .

٣٨٢١ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَىٰ قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ عَنِ الحَسَنِ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ سَمُرَةَ قَالَ: قَالَ - يَعْنِي رَسُولَ اللهِ - ﷺ: «إِذَا حَلَفْتَ عَلَى يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا، فَأْتِ الَّذِي هُوَ خَيْرٌ مِنْهَا، وَكَفِّرْ عَنْ يَمِينِكَ».

3821. 'Abdur-Rahmân bin Samurah said: "The Messenger of Allâh ﷺ said: 'If you swear an oath, then you see something that is better, then do that which is better offer expiation for you oath.'" (***Sahîh***)

تخريج: [صحيح] تقدم، ح:٣٨١٣، وهو في الكبرى، ح:٤٧٣٢ .

٣٨٢٢ - أَخْبَرَنِي مُحَمَّدُ بْنُ قُدَامَةَ فِي حَدِيثِهِ عَنْ جَرِيرٍ، عَنْ مَنْصُورٍ، عَنِ الْحَسَنِ الْبَصْرِيِّ: قَالَ عَبْدُ الرَّحْمٰنِ بْنُ سَمُرَةَ: قَالَ لِي رَسُولُ اللهِ ﷺ: «إِذَا حَلَفْتَ عَلَىٰ يَمِينٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا، فَأْتِ الَّذِي هُوَ خَيْرٌ، وَكَفِّرْ عَنْ يَمِينِكَ».

3822. 'Abdur-Rahmân bin Samurah said: "The Messenger of Allâh ﷺ said to me: 'If you swear an oath, then you see something that is better, do that which is better, and offer expiation for your oath.'" (***Sahîh***)

تخريج: [صحيح] تقدم، ح:٣٨١٣، وهو في الكبرى، ح:٤٧٣٣.

(المعجم ١٧) - اليَمِينُ فِيمَا لَا يَمْلِكُ (التحفة ١٧)

Chapter 17. Oaths Concerning That Which One Does Not Possess

٣٨٢٣ - أَخْبَرَنَا إِبْرَاهِيمُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا يَحْيَىٰ عَنْ عُبَيْدِ اللهِ بْنِ الأَخْنَسِ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ شُعَيْبٍ عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ وَلَا يَمِينَ فِيمَا لَا يَمْلِكُ، وَلَا فِي مَعْصِيَةٍ، وَلَا قَطِيعَةِ رَحِمٍ».

3823. 'Amr bin Shu'aib narrated from his father, from his grandfather, that the Messenger of Allâh ﷺ said: "There is no vow and no oath concerning that which one does not possess, nor to commit sin, nor to sever the ties of kinship." (***Hasan***)

تخريج: [إسناده حسن] أخرجه أبو داود، الأيمان، باب اليمين في قطيعة الرحم، ح:٣٢٧٤ من حديث عبيدالله بن الأخنس به، وهو في الكبرى، ح:٤٧٣٤.

Comments:

'No vow and no oath...' means; it is not allowed to do that.

Chapter 18. Whoever Swears An Oath And Says: "If Allâh Wills"

(المعجم ١٨) - مَنْ حَلَفَ فَاسْتَثْنَى

(التحفة ١٨)

3824. It was narrated from Ibn 'Umar that the Prophet ﷺ said: "Whoever swears an oath and says: 'If Allâh wills,' then if he wishes he may go ahead, and if he wishes he may not, without having broken his oath." (*Sahîh*)

٣٨٢٤ - أَخْبَرَنَا أَحْمَدُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ قَالَ: حَدَّثَنَا أَيُّوبُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ حَلَفَ فَاسْتَثْنَى: فَإِنْ شَاءَ مَضَى وَإِنْ شَاءَ تَرَكَ غَيْرَ حَنِثٍ».

تخريج: [إسناده صحيح] أخرجه الترمذي، النذور والأيمان، باب ماجاء في الاستثناء في اليمين، ح:١٥٣١ من حديث عبدالوارث بن سعيد به، وهو في الكبرى، ح:٤٧٣٥، وقال الترمذي: "حسن"، وصححه ابن حبان * أيوب تابعه كثير بن فرقد كما سيأتي، ح:٣٨٥٩.

Comments:

Insha' Allâh signifies 'If Allâh Wills it so!' It transpires from these words that the swearer has not sworn an absolute oath. In other words, he is saying in effect, if he is able to perform that act, he would perform it. Otherwise it, would be understood that Allâh did not will it. Therefore, he could not do it. How would he apparently incur a sin?

Chapter 19. Intention In Oaths

(المعجم ١٩) - النِّيَّةُ فِي الْيَمِينِ

(التحفة ١٩)

3825. It was narrated from 'Umar bin Al-Khattâb that the Prophet ﷺ said: "Actions are but by intentions, and each person will have but that which he intended. Thus, he whose emigration was for the sake of Allâh and His Messenger, his emigration was for the sake of Allâh and His Messenger, and he whose emigration was to achieve some worldly gain or to take some woman in marriage, his emigration was for that for which he emigrated." (*Sahîh*)

٣٨٢٥ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا سَلِيمُ بْنُ حَيَّانَ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ بْنِ وَقَّاصٍ، عَنْ عُمَرَ بْنِ الْخَطَّابِ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّمَا الأَعْمَالُ بِالنِّيَّاتِ وَإِنَّمَا لِامْرِئٍ مَا نَوَى، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللهِ وَرَسُولِهِ فَهِجْرَتُهُ إِلَى اللهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ لِدُنْيَا يُصِيبُهَا أَوِ امْرَأَةٍ يَتَزَوَّجُهَا فَهِجْرَتُهُ إِلَى مَا هَاجَرَ إِلَيْهِ».

تخريج: [صحيح] تقدم، ح:٧٥، وهو في الكبرى، ح:٤٧٣٦ .

Comments:

An oath also forms a part of the affairs of the world. Hence, an oath shall be

considered reliable or valid according to the intention of the one who takes it, or the signification of an oath would be interpreted and considered trustworthy, according to the signification intended by the taker of the oath. (This *Ḥadîth* and its details have preceded earlier. See *Ḥadîth* 75)

Chapter 20. Forbidding That Which Allâh, The Mighty And Sublime, Has Permitted

(المعجم ٢٠) - تَحْرِيمُ مَا أَحَلَّ اللهُ عَزَّ وَجَلَّ (التحفة ٢٠)

3826. 'Ubaid bin 'Umair said: I heard 'Âishah say: "The Prophet ﷺ used to stay with Zainab bint Jahsh and drink honey at her house. Ḥafṣah and I agreed that if the Prophet ﷺ came to either of us, she would say: 'I detect the smell of *Maghâfir* (a nasty-smelling gum) on you. Have you eaten *Maghâfir*?' He went to one of them and she said that to him. He said: 'No, rather I drank honey at the house of Zainab bint Jahsh, but I will never do it again.' Then the following was revealed: 'O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you'[1] up to: 'If you two turn in repentance to Allâh'[2] – 'Âishah and Ḥafṣah – 'And (remember) when the Prophet disclosed a matter in confidence to one of his wives.'[3] refers to him saying: 'No, rather I drank honey.'" (*Ṣaḥîḥ*)

٣٨٢٦ - أَخْبَرَنَا الْحَسَنُ بْنُ مُحَمَّدٍ الزَّعْفَرَانِيُّ قَالَ: حَدَّثَنَا حَجَّاجٌ عَنِ ابْنِ جُرَيْجٍ قَالَ: زَعَمَ عَطَاءٌ أَنَّهُ سَمِعَ عُبَيْدَ بْنَ عُمَيْرٍ يَقُولُ: سَمِعْتُ عَائِشَةَ تَزْعُمُ: أَنَّ النَّبِيَّ ﷺ كَانَ يَمْكُثُ عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ فَيَشْرَبُ عِنْدَهَا عَسَلًا، فَتَوَاصَيْتُ أَنَا وَحَفْصَةُ أَنَّ أَيَّتَنَا دَخَلَ عَلَيْهَا النَّبِيُّ ﷺ فَلْتَقُلْ: إِنِّي أَجِدُ مِنْكَ رِيحَ مَغَافِيرَ! أَكَلْتَ مَغَافِيرَ؟ فَدَخَلَ عَلَى إِحْدَاهُمَا، فَقَالَتْ ذَلِكَ لَهُ، فَقَالَ: «لَا بَلْ شَرِبْتُ عَسَلًا عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ وَلَنْ أَعُودَ لَهُ» فَنَزَلَتْ: ﴿يَٰٓأَيُّهَا ٱلنَّبِىُّ لِمَ تُحَرِّمُ مَآ أَحَلَّ ٱللَّهُ لَكَ﴾ إِلَى ﴿إِن تَتُوبَآ إِلَى ٱللَّهِ﴾ عَائِشَةُ وَحَفْصَةُ ﴿وَإِذْ أَسَرَّ ٱلنَّبِىُّ إِلَىٰ بَعْضِ أَزْوَٰجِهِۦ حَدِيثًا﴾ لِقَوْلِهِ: «بَلْ شَرِبْتُ عَسَلًا».

تخريج: [صحيح] تقدم، ح:٣٤٥٠، وهو في الكبرى، ح:٤٧٣٧ .

Comments:

(Similar to *Ḥadîth* 3410)

To declare that this or that lawful thing will now be unlawful for oneself, as unlawful is similar to taking a vow or an oath.

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[1] *At-Taḥrîm* 66:1.
[2] *At-Taḥrîm* 66:4.
[3] *At-Taḥrîm* 66:3.

Chapter 21. If A Person Swears Not To Eat Any Condiment With Bread, Then He Eats Bread And Vinegar[1]

(المعجم ٢١) - إِذَا حَلَفَ أَنْ لَا يَأْتَدِمَ فَأَكَلَ خُبْزًا بِخَلٍّ (التحفة ٢١)

3827. It was narrated that Jâbir said: "I entered the house of the Prophet ﷺ with him and there was some bread and vinegar. The Messenger of Allâh ﷺ said: 'Eat; what a good condiment is vinegar.'" (*Ṣaḥîḥ*)

٣٨٢٧ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَىٰ قَالَ: حَدَّثَنَا الْمُثَنَّى بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا طَلْحَةُ بْنُ نَافِعٍ عَنْ جَابِرٍ قَالَ: دَخَلْتُ مَعَ النَّبِيِّ ﷺ بَيْتَهُ فَإِذَا فِلَقٌ وَخَلٌّ، فَقَالَ رَسُولُ اللهِ ﷺ: «كُلْ، فَنِعْمَ الْإِدَامُ الْخَلُّ».

تخريج: أخرجه مسلم، الأشربة، باب فضيلة الخل، والتأدم به، ح:٢٠٥٢/١٦٧ من حديث المثنى بن سعيد به، وهو في الكبرٰى، ح:٤٧٣٨.

Chapter 22. Swearing Oaths And Lying When One Does Not Believe In What He Is Swearing About

(المعجم ٢٢) - فِي الْحَلِفِ وَالْكَذِبِ لِمَنْ لَمْ يَعْتَقِدِ الْيَمِينَ بِقَلْبِهِ (التحفة ٢٢)

3828. It was narrated that Qais bin Abî Gharazah said: "At the time of the Messenger of Allâh ﷺ we used to be called *Samâsîr* (brokers). The Messenger of Allâh ﷺ came to us when we were selling and called us by a name that was better than that. He said: 'O merchants (*Tujjâr*), this selling involves lies and (false) oaths, so mix some charity with it.'" (*Ṣaḥîḥ*)

٣٨٢٨ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ الْمَلِكِ، عَنْ أَبِي وَائِلٍ، عَن قَيْسِ بْنِ أَبِي غَرَزَةَ قَالَ: كُنَّا نُسَمَّى السَّمَاسِرَةَ، فَأَتَانَا رَسُولُ اللهِ ﷺ وَنَحْنُ نَبِيعُ، فَسَمَّانَا بِاسْمٍ هُوَ خَيْرٌ مِن اسْمِنَا فَقَالَ: «يَا مَعْشَرَ التُّجَّارِ! إِنَّ هٰذَا الْبَيْعَ يَحْضُرُهُ الْحَلِفُ وَالْكَذِبُ، فَشُوبُوا بَيْعَكُمْ بِالصَّدَقَةِ».

تخريج: [صحيح] أخرجه أبو داود، البيوع، باب: في التجارة يخالطها الحلف واللغو، ح:٣٣٢٧ من حديث سفيان بن عيينة عن عبدالملك بن أعين وغيره به، وقال الترمذي، ح:١٢٠٨ "حسن صحيح"، وهو في الكبرٰى، ح:٤٧٣٩، وصححه ابن الجارود، ح:٥٥٧، والحاكم:٢/٥، ووافقه الذهبي.

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[1] Meaning; if someone swore not to eat bread with condiments, then he ate vinegar and bread, he will have violated the oath, since this narration proves that vinegar is a condiment. Otherwise, it is not known that the Prophet ﷺ swore such an oath.

Comments:

'*Samâsirah*' is the plural of *Simsâr*. It is a non-Arabic expression. It denotes people who sell people's commodities for a wage (it signifies a broker, agent or middleman). The non-Arabs were involved in such trade and commerce. Hence, this expression came to be used for all sorts of traders. Allâh's Messenger ﷺ did not like the word; he, therefore, changed it with 'traders or businessmen.'

3829. It was narrated that Qais bin Abî Gharazah said: "We used to sell in Al-Baqî', and the Messenger of Allâh ﷺ came to us. We used to be called *Samâsîr* (brokers) but he said: 'O merchants!' And called us by a name that was better than our name. Then he said: 'This selling involves (false) oaths and lies, so mix some charity with it.'" (*Ṣaḥîḥ*)

٣٨٢٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ عَنْ سُفْيَانَ، عَنْ عَبْدِ الْمَلِكِ وَعَاصِمٍ وَجَامِعٍ، عَنْ أَبِي وَائِلٍ، عَنْ قَيْسِ بْنِ أَبِي غَرَزَةَ قَالَ: كُنَّا نَبِيعُ بِالْبَقِيعِ، فَأَتَانَا رَسُولُ اللهِ ﷺ، وَكُنَّا نُسَمَّى السَّمَاسِرَةَ فَقَالَ: «يَا مَعْشَرَ التُّجَّارِ»! فَسَمَّانَا بِاسْمٍ هُوَ خَيْرٌ مِنِ اسْمِنَا ثُمَّ قَالَ: «إِنَّ هٰذَا الْبَيْعَ يَحْضُرُهُ الْحَلِفُ وَالْكَذِبُ فَشُوبُوهُ بِالصَّدَقَةِ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح: ٤٧٤٠.

Chapter 23. Idle Talk And Lies

(المعجم ٢٣) - فِي اللَّغْوِ وَالْكَذِبِ

(التحفة ٢٣)

3830. It was narrated that Qais bin Abî Gharazah said: "The Prophet ﷺ came to us when we were in the marketplace and said: 'This marketplace is filled with idle talk and (false) oaths, so mix some charity with it.'" (*Ṣaḥîḥ*)

٣٨٣٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ مُغِيرَةَ، عَنْ أَبِي وَائِلٍ، عَنْ قَيْسِ بْنِ أَبِي غَرَزَةَ فَقَالَ: أَتَانَا النَّبِيُّ ﷺ وَنَحْنُ فِي السُّوقِ فَقَالَ: «إِنَّ هٰذِهِ السُّوقَ يُخَالِطُهَا اللَّغْوُ وَالْكَذِبُ، فَشُوبُوهَا بِالصَّدَقَةِ».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح: ٤٧٤١.

3831. It was narrated that Qais bin Abî Gharazah said: "In Al-Madînah we used to buy and sell *Wasqs* (of goods), and we used to call ourselves *Samâsîr* (brokers), and the people used to call us like that. The

٣٨٣١ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ وَمُحَمَّدُ ابْنُ قُدَامَةَ قَالَا: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ أَبِي وَائِلٍ، عَنْ قَيْسِ بْنِ أَبِي غَرَزَةَ قَالَ: كُنَّا بِالْمَدِينَةِ نَبِيعُ الْأَوْسَاقَ وَنَبْتَاعُهَا، وَكُنَّا

Messenger of Allâh ﷺ came out to us one day, and called us by a name that was better than that which we called ourselves and which the people called us. He said: 'O *Tujjâr* (traders), your selling involves (false) oaths and lies, so mix some charity with it.'" (*Saḥîḥ*)

نُسَمِّي أَنْفُسَنَا السَّمَاسِرَةَ وَيُسَمِّينَا النَّاسُ، فَخَرَجَ إِلَيْنَا رَسُولُ اللهِ ﷺ ذَاتَ يَوْمٍ، فَسَمَّانَا بِاسْمٍ هُوَ خَيْرٌ مِنَ الَّذِي سَمَّيْنَا أَنْفُسَنَا وَسَمَّانَا النَّاسُ، فَقَالَ: «يَا مَعْشَرَ التُّجَّارِ! إِنَّهُ يَشْهَدُ بَيْعَكُمُ الْحَلِفُ وَالْكَذِبُ، فَشُوبُوهُ بِالصَّدَقَةِ».

تخريج: [صحيح] تقدم، ح:٣٨٢٨، وهو في الكبرٰى، ح:٤٧٤٢.

Comments:

Imâm An-Nasâ'î indicates from this chapter, that apart from trade and commerce, any work in which futile din and bustle is involved or in which there are possibilities of swearing needlessly, it is advisable to give charity in that activity.

Chapter 24. The Prohibition Against Vows

(المعجم ٢٤) - النَّهْيُ عَنِ النَّذْرِ (التحفة ٢٤)

3832. It was narrated from 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ forbade vows and said: "They do not bring any good; they are just a means of taking wealth from the miserly." (*Saḥîḥ*)

٣٨٣٢ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ عَنْ شُعْبَةَ قَالَ: أَخْبَرَنِي مَنْصُورٌ عَنْ عَبْدِ اللهِ بْنِ مُرَّةَ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ النَّذْرِ وَقَالَ: «إِنَّهُ لَا يَأْتِي بِخَيْرٍ، إِنَّمَا يُسْتَخْرَجُ بِهِ مِنَ الْبَخِيلِ».

تخريج: أخرجه مسلم، النذر، باب النهي عن النذر، وأنه لا يرد شيئًا، ح:١٦٣٩ من حديث شعبة، والبخاري، القدر، باب إلقاء العبد النذر إلى القدر، ح:٦٦٠٨ من حديث منصور به، وهو في الكبرٰى، ح:٤٧٤٣.

3833. It was narrated that 'Abdullâh bin 'Umar said: "The Messenger of Allâh ﷺ forbade vows and said: 'They do not change anything; they are just a means of taking wealth from the miserly.'" (*Saḥîḥ*)

٣٨٣٣ - أَخْبَرَنَا عَمْرُو بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ عَبْدِ اللهِ بْنِ مُرَّةَ، عَنْ عَبْدِ اللهِ ابْنِ عُمَرَ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ النَّذْرِ وَقَالَ: «إِنَّهُ لَا يَرُدُّ شَيْئًا إِنَّمَا يُسْتَخْرَجُ بِهِ مِنَ الشَّحِيحِ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٤٧٤٤ .

Chapter 25. A Vow Does Not Bring Anything Forward Nor Put It Back

(المعجم ٢٥) - النَّذْرُ لَا يُقَدِّمُ شَيْئًا وَلَا يُؤَخِّرُهُ (التحفة ٢٥)

3834. It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'A vow does not bring anything forward or put it back; it is just a means of taking wealth from the miserly.'" (*Saḥîḥ*)

٣٨٣٤ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَىٰ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ عَبْدِ اللهِ بْنِ مُرَّةَ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «النَّذْرُ لَا يُقَدِّمُ شَيْئًا وَلَا يُؤَخِّرُهُ إِنَّمَا هُوَ شَيْءٌ يُسْتَخْرَجُ بِهِ مِنَ الشَّحِيحِ».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرىٰ، ح:٤٧٤٥.

3835. It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A vow does not bring anything to the son of Âdam that has not been decreed for him. It is just a means of taking wealth from the miserly." (*Saḥîḥ*)

٣٨٣٥ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنَا أَبُو الزِّنَادِ عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَأْتِي النَّذْرُ عَلَى ابْنِ آدَمَ شَيْئًا لَمْ أُقَدِّرْهُ عَلَيْهِ وَلٰكِنَّهُ شَيْءٌ اسْتُخْرِجَ بِهِ مِنَ الْبَخِيلِ».

تخريج: [إسناده صحيح] أخرجه أحمد:٢/ ٢٤٢ عن سفيان بن عيينة به، وهو في الكبرىٰ، ح:٤٧٤٦، وأخرجه البخاري، الأيمان، باب الوفاء بالنذر، وقول الله تعالى:﴿يوفون بالنذر﴾، ح:٦٦٩٤ من حديث أبي الزناد به، وله طريق آخر عند مسلم، ح:١٦٤٠/ ٧.

Chapter 26. A Vow Is A Means Of Taking Wealth From The Miserly

(المعجم ٢٦) - النَّذْرُ يُسْتَخْرَجُ بِهِ مِنَ الْبَخِيلِ (التحفة ٢٦)

3836. It was narrated from Abû Hurairah that the Prophet ﷺ said: "Do not make vows, for a vow does not have any impact on the *Qadar*. Rather it is just a means of taking wealth from the miserly." (*Saḥîḥ*)

٣٨٣٦ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا تَنْذِرُوا فَإِنَّ النَّذْرَ لَا يُغْنِي مِنَ الْقَدَرِ شَيْئًا وَإِنَّمَا يُسْتَخْرَجُ [بِهِ] مِنَ الْبَخِيلِ».

تخريج: أخرجه مسلم، النذر، باب النهي عن النذر وأنه لا يرد شيئًا، ح: ١٦٤٠ عن قتيبة به، وهو في الكبرٰى، ح: ٤٧٤٧.

Chapter 27. Vows To Do Acts Of Worship

(المعجم ٢٧) - النَّذْرُ فِي الطَّاعَةِ (التحفة ٢٧)

3837. It was narrated from 'Âishah that the Messenger of Allâh ﷺ said: "Whoever vows to obey Allâh, let him obey Him, and whoever vows to disobey Allâh, let him not disobey Him." (***Sahîh***)

٣٨٣٧ - أَخْبَرَنَا قُتَيْبَةُ عَنْ مَالِكٍ، عَنْ طَلْحَةَ بْنِ عَبْدِ الْمَلِكِ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ نَذَرَ أَنْ يُطِيعَ اللهَ فَلْيُطِعْهُ، وَمَنْ نَذَرَ أَنْ يَعْصِيَ اللهَ فَلَا يَعْصِهِ».

تخريج: أخرجه البخاري، الأيمان والنذور، باب النذر في الطاعة ﴿وما أنفقتم من نفقة أو نذرتم من نذر﴾، ح: ٦٦٩٦ من حديث مالك به، وهو في الموطأ (يحيى): ٢/ ٤٧٦، والكبرٰى، ح: ٤٧٤٨.

Chapter 28. Vows To Commit Sin

(المعجم ٢٨) - النَّذْرُ فِي الْمَعْصِيَةِ (التحفة ٢٨)

3838. It was narrated that 'Âishah said: "I heard the Messenger of Allâh ﷺ say: 'Whoever vows to obey Allâh, let him obey Him, and whoever vows to disobey Allâh, let him not disobey Him.'" (***Sahîh***)

٣٨٣٨ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَىٰ قَالَ: حَدَّثَنَا مَالِكٌ قَالَ: حَدَّثَنِي طَلْحَةُ بْنُ عَبْدِ الْمَلِكِ عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ قَالَتْ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ نَذَرَ أَنْ يُطِيعَ اللهَ فَلْيُطِعْهُ، وَمَنْ نَذَرَ أَنْ يَعْصِيَ اللهَ فَلَا يَعْصِهِ».

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح: ٤٧٤٩.

Comments:

Disobedience is reprehensible in all conditions, and indulging in disobedience after having taken a vow is further ignominious. Taking a vow does not transform an evil deed into a good deed. Therefore, disobeying Allâh, Most High, by using vows as an excuse, shall not be good. On the contrary, it would be considered a graver offence.

3839. It was narrated that 'Âishah said: "I heard the Messenger of Allâh ﷺ say: 'Whoever vows to

٣٨٣٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ عُبَيْدِ اللهِ، عَنْ طَلْحَةَ

obey Allâh, let him obey Him, and whoever vows to disobey Allâh, let him not disobey Him.'" (*Sahîh*)

ابْنِ عَبْدِ الْمَلِكِ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ قَالَتْ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ نَذَرَ أَنْ يُطِيعَ اللهَ فَلْيُطِعْهُ، وَمَنْ نَذَرَ أَنْ يَعْصِيَ اللهَ فَلَا يَعْصِهِ».

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٤٧٥٠، وقال النسائي: "طلحة ثقة ثقة ثقة".

Chapter 29. Fulfilling Vows

(المعجم ٢٩) - الْوَفَاءُ بِالنَّذْرِ (التحفة ٢٩)

3840. 'Imrân bin Ḥuṣain said: "The Messenger of Allâh ﷺ said: 'The best of you are my generation, then those who come after them, then those whom after them, then those who come after them.' – I do not know if he said two times after him or three. Then he mentioned some people who betray and cannot be trusted, who bear witness without being asked to do so, who make vows and do not fulfill them, and fatness will prevail among them." (*Sahîh*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: This (one of the narrators) is Naṣr bin 'Imrân, Abû Ḥamzah.

٣٨٤٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَىٰ قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي جَمْرَةَ، عَنْ زَهْدَمٍ قَالَ: سَمِعْتُ عِمْرَانَ بْنَ حُصَيْنٍ يَذْكُرُ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «خَيْرُكُمْ قَرْنِي ثُمَّ الَّذِينَ يَلُونَهُمْ ثُمَّ الَّذِينَ يَلُونَهُمْ ثُمَّ الَّذِينَ يَلُونَهُمْ»، فَلَا أَدْرِي أَذَكَرَ مَرَّتَيْنِ بَعْدَهُ أَوْ ثَلَاثًا، ثُمَّ ذَكَرَ قَوْمًا يَخُونُونَ وَلَا يُؤْتَمَنُونَ، وَيَشْهَدُونَ وَلَا يُسْتَشْهَدُونَ، وَيَنْذِرُونَ وَلَا يُوفُونَ، وَيَظْهَرُ فِيهِمُ السِّمَنُ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: هٰذَا نَصْرُ بْنُ عِمْرَانَ أَبُو جَمْرَةَ.

تخريج: أخرجه البخاري، الشهادات، باب: لا يشهد على شهادة جور إذا أشهد، ح:٢٦٥١، ومسلم، فضائل الصحابة، باب فضل الصحابة، ثم الذين يلونهم، ثم الذين يلونهم، ح:٢٥٣٥ من حديث شعبة به، وهو في الكبرٰى، ح:٤٧٥١ .

Comments:

'Of my generation' means the Companions of the Prophet ﷺ are the most excellent among the Muslim nation, and it is an agreed upon issue. This is because they directly and bountifully received the Prophetic grace. 'Thereafter those who will follow them': This means the successors or the *Tabi'un*. 'Thereafter' signifies the followers of the successors or the *Tab' Tabi'in*.

Chapter 30. Vows Which Are Not Meant For The Face Of Allâh

(المعجم ٣٠) - النَّذْرُ فِيمَا لَا يُرَادُ بِهِ وَجْهَ اللهِ (التحفة ٣٠)

3841. It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ passed by a man who was leading another man by a rope. The Prophet ﷺ took it, and cut it, and he said: 'It is a vow.'" (*Ṣaḥîḥ*)

٣٨٤١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا خَالِدٌ عَنِ ابْنِ جُرَيْجٍ قَالَ: حَدَّثَنِي سُلَيْمَانُ الْأَحْوَلُ عَنْ طَاوُسٍ عَنِ ابْنِ عَبَّاسٍ قَالَ: مَرَّ رَسُولُ اللهِ ﷺ بِرَجُلٍ يَقُودُ رَجُلًا فِي قَرَنٍ، فَتناوَلَهُ النَّبِيُّ ﷺ فَقَطَعَهُ قَالَ: إِنَّهُ نَذْرٌ.

تخريج: [صحيح] تقدم، ح:٢٩٢٣، وهو في الكبرٰى، ح:٤٧٥٢.

Comments:

See No. 2923.

3842. It was narrated from Ibn 'Abbâs: "The Prophet ﷺ passed by a man who was circumambulating the Ka'bah, led by another man with a reign in his nose. The Prophet ﷺ took him by the hand and commanded him to lead him by his hand." Ibn Juraij said: "Sulaimân told me that Ṭawûs told him, from Ibn 'Abbâs, that the Prophet ﷺ passed by him when he was circumambulating the Ka'bah, and a man had tied his hand to another man with some string or thread or whatever. The Prophet ﷺ cut it with his hand then said: 'Lead him with your hand.'" (*Ṣaḥîḥ*)

٣٨٤٢ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا حَجَّاجٌ عَنِ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرَنِي سُلَيْمَانُ الْأَحْوَلُ، أَنَّ طَاوُسًا أَخْبَرَهُ عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ مَرَّ - يعني بِرَجُلٍ - وَهُوَ يَطُوفُ بِالْكَعْبَةِ يَقُودُهُ إِنْسَانٌ بِخِزَامَةٍ فِي أَنْفِهِ فَقَطَعَهُ النَّبِيُّ ﷺ بِيَدِهِ ثُمَّ أَمَرَهُ أَنْ يَقُودَهُ بِيَدِهِ، قَالَ ابْنُ جُرَيجٍ: وَأَخْبَرَنِي سُلَيْمَانُ، أَنَّ طَاوُسًا أَخْبَرَهُ عَنِ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ مَرَّ بِهِ وَهُوَ يَطُوفُ بِالْكَعْبَةِ، وَإِنْسَانٌ قَدْ رَبَطَ يَدَهُ بِإِنْسَانٍ آخَرَ بِسَيْرٍ لَهُ أَوْ خَيْطٍ أَوْ بِشَيْءٍ غَيْرَ ذٰلِكَ، فَقَطَعَهُ النَّبِيُّ ﷺ بِيَدِهِ ثُمَّ قَالَ: «قُدْهُ بِيَدِكَ».

تخريج: [صحيح] تقدم، ح:٢٩٢٣، وهو في الكبرٰى، ح:٤٧٥٣ .

Comments:

See No. 2923.

Chapter 31. A Vow Concerning Something That One Does Not Own

(المعجم ٣١) - النَّذْرُ فِيمَا لَا يَمْلِكُ (التحفة ٣١)

3843. It was narrated from 'Imrân bin Ḥuṣain that the Prophet ﷺ said: "There is no vow to commit an act of disobedience, and no vow concerning that which the son of Âdam does not possess."' (*Ṣaḥîḥ*)

٣٨٤٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنِي أَيُّوبُ قَالَ: حَدَّثَنَا أَبُو قِلَابَةَ عَنْ عَمِّهِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا نَذْرَ فِي مَعْصِيَةِ اللهِ، وَلَا فِيمَا لَا يَمْلِكُ ابْنُ آدَمَ».

تخريج: أخرجه مسلم، النذر، باب: لا وفاء لنذر في معصية الله، ولا فيما لا يملك العبد، ح:١٦٤١ من حديث أيوب السختياني به، وهو في الكبرٰى، ح:٤٧٥٤.

Comments:

(See No. 3823)

3844. It was narrated from Thâbit bin Aḍ-Ḍaḥḥâk, that the Messenger of Allâh ﷺ said: "Whoever swears by a religion other than Islam, telling a lie, will be as he said, and whoever kills himself with something, he will be punished with it in the Hereafter, and there is no vow concerning that which a man does not possess." (*Ṣaḥîḥ*)

٣٨٤٤ - أَخْبَرَنَا إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا أَبُو الْمُغِيرَةِ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ قَالَ: حَدَّثَنِي يَحْيَىٰ عَنْ أَبِي قِلَابَةَ، عَنْ ثَابِتِ ابْنِ الضَّحَّاكِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ بِمِلَّةٍ سِوَىٰ مِلَّةِ الْإِسْلَامِ كَاذِبًا فَهُوَ كَمَا قَالَ، وَمَنْ قَتَلَ نَفْسَهُ بِشَيْءٍ فِي الدُّنْيَا عُذِّبَ بِهِ يَوْمَ الْقِيَامَةِ، وَلَيْسَ عَلَىٰ رَجُلٍ نَذْرٌ فِيمَا لَا يَمْلِكُ».

تخريج: أخرجه البخاري، الأدب، باب ما ينهى من السباب واللعن، ح:٦٠٤٧، ومسلم، الإيمان، باب بيان غلظ تحريم قتل الإنسان نفسه . . . إلخ، ح:١١٠ من حديث يحيى بن أبي كثير به، وهو في الكبرٰى، ح:٤٧٥٥.

Comments:

(See No. 3801)

Chapter 32. Whoever Vows To Walk To The House of Allâh

(المعجم ٣٢) - مَنْ نَذَرَ أَنْ يَمْشِيَ إِلَى بَيْتِ اللهِ تَعَالَى (التحفة ٣٢)

3845. It was narrated that 'Uqbah bin 'Âmir said: "My sister vowed to walk to the House of Allâh, and she told me to ask the Messenger

٣٨٤٥ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا حَجَّاجٌ عَنِ ابْنِ جُرَيْجٍ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ أَبِي أَيُّوبَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ،

أَخْبَرَهُ، أَنَّ أَبَا الْخَيْرِ حَدَّثَهُ عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: نَذَرَتْ أُخْتِي أَنْ تَمْشِيَ إِلَىٰ بَيْتِ اللهِ فَأَمَرَتْنِي أَنْ أَسْتَفْتِيَ لَهَا رَسُولَ اللهِ ﷺ، فَاسْتَفْتَيْتُ لَهَا النَّبِيَّ ﷺ فَقَالَ: «لِتَمْشِ وَلْتَرْكَبْ».

of Allâh ﷻ about that. So I asked the Prophet ﷺ for her and he said: 'Let her walk, and let her ride.'" (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، جزاء الصيد، باب من نذر المشي إلى الكعبة، ح:١٨٦٦، ومسلم، النذر، باب من نذر أن يمشي إلى الكعبة، ح:١٦٤٤/١٢ من حديث ابن جريج به، وهو في الكبرٰى، ح:٤٧٥٦.

Comments:

Going on foot is not beneficial, and it is not prohibited either. Besides, going on foot is possible. Therefore, this vow should be fulfilled, or one may perform expiation or the *Kaffârah*. There is no mention of expiation in this report. But some other narrations provide evidence for expiation.

Chapter 33. If A Woman Vows To Walk Barefoot And Bareheaded

(المعجم ٣٣) - إِذَا حَلَفَتِ الْمَرْأَةُ لِتَمْشِيَ حَافِيَةً غَيْرَ مُخْتَمِرَةٍ (التحفة ٣٣)

٣٨٤٦ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ قَالَا: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ يَحْيَى ابْنِ سَعِيدٍ، عَنْ عُبَيْدِ اللهِ بْنِ زَحْرٍ - وَقَالَ عَمْرٌو: إِنَّ عُبَيْدَ اللهِ بْنَ زَحْرٍ أَخْبَرَهُ - عَنْ عَبْدِ اللهِ بْنِ مَالِكٍ، أَنَّ عُقْبَةَ بْنَ عَامِرٍ أَخْبَرَهُ، أَنَّهُ سَأَلَ النَّبِيَّ ﷺ عَنْ أُخْتٍ لَهُ نَذَرَتْ أَنْ تَمْشِيَ حَافِيَةً غَيْرَ مُخْتَمِرَةٍ فَقَالَ لَهُ النَّبِيُّ ﷺ: «مُرْهَا فَلْتَخْتَمِرْ وَلْتَرْكَبْ وَلْتَصُمْ ثَلَاثَةَ أَيَّامٍ».

3846. 'Uqbah bin 'Âmir narrated that he asked the Prophet ﷺ about a sister of his who had vowed to walk, barefoot and bareheaded. The Prophet ﷺ said to him: "Tell her to cover her head and ride, and fast for three days." (*Ḍa'îf*)

تخريج: [**إسناده ضعيف**] أخرجه أبو داود، الأيمان، باب من رأى عليه كفارةً إذا كان في معصية، ح:٣٢٩٣ من حديث يحيى بن سعيد القطان عن يحيى بن سعيد الأنصاري به، وهو في الكبرٰى، ح:٤٧٥٧، وقال الترمذي، ح:١٥٤٤ "حسن" * عبيدالله بن زحر ضعيف ضعفه الجمهور، وله متابعة ضعيفة عند أحمد: ٤/١٤٧ .

Comments:

Walking bareheaded is prohibited for a woman. It is, therefore, forbidden to fulfill such a vow. Walking barefoot is permissible and possible also. But since the other part of the vow was forbidden, she was commanded to break the vow and perform expiation.

Chapter 34. Whoever Vows To Fast Then Dies Before Fasting

(المعجم ٣٤) - مَنْ نَذَرَ أَنْ يَصُومَ ثُمَّ مَاتَ قَبْلَ أَنْ يَصُومَ (التحفة ٣٤)

3847. It was narrated that Ibn 'Abbâs said: "A woman traveled by sea and vowed to fast for a month, but she died before she could fast. Her sister came to the Prophet ﷺ and told him about that, and he told her to fast on her behalf." (*Ṣaḥîḥ*)

٣٨٤٧ - أَخْبَرَنَا بِشْرُ بْنُ خَالِدٍ الْعَسْكَرِيُّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ قَالَ: سَمِعْتُ سُلَيْمَانَ يُحَدِّثُ عَنْ مُسْلِمٍ الْبَطِينِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: رَكِبَتِ امْرَأَةٌ الْبَحْرَ فَنَذَرَتْ أَنْ تَصُومَ شَهْرًا، فَمَاتَتْ قَبْلَ أَنْ تَصُومَ فَأَتَتْ أُخْتُهَا النَّبِيَّ ﷺ فَذَكَرَتْ ذٰلِكَ لَهُ، فَأَمَرَهَا أَنْ تَصُومَ عَنْهَا.

تخريج: [إسناده صحيح] أخرجه أحمد: ١/٣٣٨ عن محمد بن جعفر غندر به، وهو في الكبرى، ح: ٤٧٥٨، وصححه ابن خزيمة، ح: ٢٠٥٤، وأخرجه أبوداود، ح: ٣٣٠٨ من حديث سعيد بن جبير به.

Comments:

We learn here that the people associated with the deceased may fast on behalf of the dead; his unperformed obligatory or vowed fasts provided the deceased should have got an opportunity to fast but was not able to do so.

Chapter 35. If A Person Dies With A Vow Unfulfilled

(المعجم ٣٥) - مَنْ مَاتَ وَعَلَيهِ نَذْرٌ (التحفة ٣٥)

3848. It was narrated from Ibn 'Abbâs that Sa'd bin 'Ubâdah asked the Messenger of Allâh ﷺ about a vow which his mother had sworn, but she died before she could fulfill it. He said: "Fulfill it on her behalf." (*Ṣaḥîḥ*)

٣٨٤٨ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ وَالْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ - وَاللَّفْظُ لَهُ - عَنْ [سُفيَانَ]، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ سَعْدَ بْنَ عُبَادَةَ اسْتَفْتَىٰ رَسُولَ اللهِ ﷺ فِي نَذْرٍ كَانَ عَلَىٰ أُمِّهِ تُوُفِّيَتْ قَبْلَ أَنْ تَقْضِيَهُ فَقَالَ: «اقْضِهِ عَنْهَا».

تخريج: [صحيح] تقدم، ح: ٣٦٨٩، وهو في الكبرىٰ، ح: ٤٧٥٩.

Comments:

There is no clarification what that vow was for. Some venerable persons have derived an inference from a narration that it was a vow for freeing a slave. But in this report also, there is no elucidation that this vow was for the emancipation of a slave.

3849. It was narrated that Ibn 'Abbâs said: "Sa'd bin 'Ubâdah asked the Messenger of Allâh ﷺ about a vow which his mother had sworn, but she died before she could fulfill it. The Messenger of Allâh ﷺ said: 'Fulfill it on her behalf.'" (*Ṣaḥîḥ*)

٣٨٤٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: اسْتَفْتَىٰ سَعْدُ بْنُ عُبَادَةَ رَسُولَ اللهِ ﷺ فِي نَذْرٍ، كَانَ عَلَىٰ أُمِّهِ فَتُوُفِّيَتْ قَبْلَ أَنْ تَقْضِيَهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «اقْضِهِ عَنْهَا».

تخريج: [صحيح] تقدم، ح:٣٦٨٩، وهو في الكبرٰى، ح:٤٧٦٠.

3850. It was narrated that Ibn 'Abbâs said: "Sa'd bin 'Ubâdah came to the Prophet ﷺ and said: 'My mother died and she had sworn a vow, but she did not fulfill it.' He said: 'Fulfill it on her behalf.'" (*Ṣaḥîḥ*)

٣٨٥٠ - أَخْبَرَنَا مُحَمَّدُ بنُ آدَمَ وَهَارُونُ ابْنُ إِسْحَاقَ الْهَمْدَانِيُّ عَنْ عَبْدَةَ، عَنْ هِشَامٍ - وَهُوَ ابْنُ عُرْوَةَ - عَنْ بَكْرِ بْنِ وَائِلٍ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: جَاءَ سَعْدُ بْنُ عُبَادَةَ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا نَذْرٌ فَلَمْ تَقْضِهِ قَالَ: «اقْضِهِ عَنْهَا».

تخريج: [صحيح] تقدم، ح:٣٦٨٩، وهو في الكبرٰى، ح:٤٧٦١.

Comments:

(See Nos. 3696, 3680)

Chapter 36. If A Person Makes A Vow Then Becomes Muslim Before Fulfilling It

(المعجم ٣٦) - إِذَا نَذَرَ ثُمَّ أَسْلَمَ قَبْلَ أَنْ يَفِيَ (التحفة ٣٦)

3851. It was narrated from Ibn 'Umar, that 'Umar had vowed to spend a night in *'Itikâf* during the *Jâhiliyyah*. He asked the Messenger of Allâh ﷺ about that, and he ordered him to perform the *'Itikâf*. (*Ṣaḥîḥ*)

٣٨٥١ - أَخْبَرَنَا إِسْحَاقُ بْنُ مُوسَىٰ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ [عَنْ عُمَرَ]: أَنَّهُ كَانَ عَلَيْهِ لَيْلَةٌ، نَذَرَ فِي الْجَاهِلِيَّةِ يَعْتَكِفُهَا، فَسَأَلَ رَسُولَ اللهِ ﷺ فَأَمَرَهُ أَنْ يَعْتَكِفَ.

تخريج: أخرجه البخاري، الاعتكاف، باب من لم ير عليه إذا اعتكف صومًا، ح:٢٠٤٢، ومسلم، الأيمان، باب نذر الكافر، وما يفعل فيه إذا أسلم، ح:١٦٥٦ من حديث نافع به، وهو في الكبرٰى، ح:٤٧٦٢ .

Comments:

'A night in *'Itikâf*': It may be used as proof by some that one could perform *'Itikâf* without fasting, because there is no fast during the night. While it may be argued that this narration does not prove that, since 'night' could have been used to signify a day and its night, as appears in No. 3853

3852. It was narrated that Ibn 'Umar said: "Umar had made a vow to spend a night in *'Itikâf* in Al-Masjid Al-Ḥarâm. He asked the Messenger of Allâh ﷺ about that, and he ordered him to perform the *'Itkikâf*." (***Ṣaḥîḥ***)

٣٨٥٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: كَانَ عَلَىٰ عُمَرَ نَذْرٌ فِي اعْتِكَافِ لَيْلَةٍ فِي الْمَسْجِدِ الْحَرَامِ، فَسَأَلَ رَسُولَ اللهِ ﷺ عَنْ ذٰلِكَ فَأَمَرَهُ أَنْ يَعْتَكِفَ.

تخريج: أخرجه البخاري، فرض الخمس، باب ما كان النبي ﷺ يعطي المؤلفة قلوبهم ... إلخ، ح:٣١٤٤، ومسلم، ح:١٦٥٦/٢٨ (انظر الحديث السابق) من حديث أيوب السختياني به، وهو في الكبرىٰ، ح:٤٧٦٣.

3853. It was narrated from Ibn 'Umar that 'Umar had vowed – during the *Jâhiliyyah* – to spend a day in *'Itkikâf*. He asked the Messenger of Allâh ﷺ about that, and he commanded him to perform the *'Itkikâf*. (***Ṣaḥîḥ***)

٣٨٥٣ - أَخْبَرَنَا أَحْمَدُ بْنُ عَبْدِ اللهِ بْنِ الْحَكَمِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ عُبَيْدَ اللهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ عُمَرَ كَانَ جَعَلَ عَلَيْهِ يَوْمًا يَعْتَكِفُ - فِي الْجَاهِلِيَّةِ - فَسَأَلَ رَسُولَ اللهِ ﷺ عَنْ ذٰلِكَ، فَأَمَرَهُ أَنْ يَعْتَكِفَهُ.

تخريج: أخرجه مسلم من حديث محمد بن جعفر به، انظر الحديثين السابقين، وهو في الكبرىٰ، ح:٤٧٦٤.

3854. 'Abdullâh bin Ka'b bin Ubayy narrated from his father, that he said to the Messenger of Allâh ﷺ – when his repentance was accepted: "O Messenger of Allâh! I want to give all my wealth in charity for Allâh and His Messenger." The Messenger of Allâh ﷺ said to him: "Keep some of your wealth for yourself; that is better for you." (***Ṣaḥîḥ***)

Abû 'Abdur-Raḥmân (An-Nasâ'î)

٣٨٥٤ - حَدَّثَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَىٰ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ اللهِ بْنُ كَعْبِ بْنِ مَالِكٍ، عَنْ أَبِيهِ: أَنَّهُ قَالَ لِرَسُولِ اللهِ ﷺ حِينَ تِيبَ عَلَيْهِ - يَا رَسُولَ اللهِ! إِنِّي أَنْخَلِعُ مِنْ مَالِي صَدَقَةً إِلَى اللهِ وَرَسُولِهِ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «أَمْسِكْ عَلَيْكَ بَعْضَ مَالِكَ فَهُوَ خَيْرٌ لَكَ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: يُشْبِهُ أَنْ يَكُونَ الزُّهْرِيُّ سَمِعَ هٰذَا الْحَدِيثَ مِنْ عَبْدِ اللهِ بْنِ كَعْبٍ وَمِنْ عَبْدِ الرَّحْمٰنِ، عَنْهُ. فِي هٰذَا الْحَدِيثِ الطَّوِيلِ تَوْبَةُ كَعْبٍ.

said: It appears that Az-Zuhrî heard this *Hadîth* from 'Abdullâh bin Ka'b and from 'Abdur-Rahmân[1] from him; in this *Hadîth* is the long narration about the repentance of Ka'b.

تخريج: [إسناده صحيح] أخرجه أبو داود، الأيمان والنذور، باب من نذر أن يتصدق بماله، ح:٣٣١٨ من حديث ابن وهب به مختصرًا، وهو في الكبرى، ح:٤٧٦٥، وهو متفق عليه في حديث طويل، وصححه البيهقي وغيره.

Comments:

The incident belongs to the expedition of Tabûk. Ka'b ﷺ did not participate in this battle on account of inadvertence and procrastination. Thereupon, he was punished. Then an announcement of the acceptance of his repentance was made in the Glorious Qur'ân.

Chapter 37. Giving Away One's Wealth Because Of A Vow

(المعجم ٣٧) - إِذَا أَهْدَى مَالَهُ عَلَى وَجْهِ النَّذْرِ (التحفة ٣٧)

٣٨٥٥ - أَخْبَرَنَا سُلَيْمَانُ بْنُ دَاوُدَ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ يُونُسَ قَالَ: قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ كَعْبِ بْنِ مَالِكٍ، أَنَّ عَبْدَ اللهِ بْنَ كَعْبٍ قَالَ: سَمِعْتُ كَعْبَ بْنَ مَالِكٍ يُحَدِّثُ عَنْ حَدِيثِهِ حِينَ تَخَلَّفَ عَنْ رَسُولِ اللهِ ﷺ فِي غَزْوَةِ تَبُوكَ قَالَ: فَلَمَّا جَلَسْتُ بَيْنَ يَدَيْهِ قُلْتُ: يَا رَسُولَ اللهِ! إِنَّ مِنْ تَوْبَتِي أَنْ أَنْخَلِعَ مِنْ مَالِي صَدَقَةً إِلَى اللهِ وَإِلَى رَسُولِهِ، قَالَ رَسُولُ اللهِ ﷺ: «أَمْسِكْ عَلَيْكَ بَعْضَ مَالِكَ فَهُوَ خَيْرٌ لَكَ» فَقُلْتُ: فَإِنِّي أُمْسِكُ سَهْمِي الَّذِي بِخَيْبَرَ. مُخْتَصَرٌ.

3855. 'Abdur-Rahmân bin Ka'b bin Mâlik narrated that 'Abdullâh bin Ka'b said: "I heard Ka'b bin Mâlik narrating his *Hadîth* about when he stayed behind and did not join the Messenger of Allâh ﷺ on the campaign to Tabûk. He said: 'When I sat down before him I said: "O Messenger of Allâh, as part of my repentance I want to give my wealth in charity to Allâh and His Messenger." The Messenger of Allâh ﷺ said: "Keep some of your wealth for yourself; that is better for you." I said: "I will keep my share that is in Khaibar." (*Sahîh*)

تخريج: [صحيح] تقدم أطرافه، ح:٧٣٢، ٣٤٥١، ٣٤٥٦، وهو في الكبرى، ح:٤٧٦٦، وانظر الحديث السابق.

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[1] Meaning, that in the next *Hadîth* Az-Zuhrî narrated it from 'Abdur-Rahmân bin Ka'b.

Comments:

'Sat before him (the Prophet ﷺ)': This occurred at the time when the announcement of the acceptance of his repentance was already made, and he had gone anxiously to meet the Prophet ﷺ. Fifty days had already passed.

3856. 'Abdullâh bin Ka'b bin Mâlik said: "I heard Ka'b bin Mâlik narrating his *Hadîth* about when he stayed behind and did not join the Messenger of Allâh ﷺ on the campaign to Tabûk. (he said) I said: 'As part of my repentance I want to give my wealth in charity for Allâh and His Messenger.' The Messenger of Allâh ﷺ said: 'Keep some of your wealth for yourself; that is better for you.' I said: 'I will keep for myself my share that is in Khaibar.'" (*Sahîh*)

٣٨٥٦ - أَخْبَرَنَا يُوسُفُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا لَيْثُ بْنُ سَعْدٍ قَالَ: حَدَّثَنِي عُقَيْلٌ عَنِ ابْنِ شِهَابٍ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ بْنِ كَعْبٍ، أَنَّ عَبْدَ اللهِ بْنَ كَعْبِ بْنِ مَالِكٍ قَالَ: سَمِعْتُ كَعْبَ ابْنَ مَالِكٍ يُحَدِّثُ حَدِيثَهُ حِينَ تَخَلَّفَ عَنْ رَسُولِ اللهِ ﷺ فِي غَزْوَةِ تَبُوكَ قُلْتُ: يَا رَسُولَ اللهِ! إِنَّ مِنْ تَوْبَتِي أَنْ أَنْخَلِعَ مِنْ مَالِي صَدَقَةً إِلَى اللهِ وَإِلَىٰ رَسُولِهِ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَمْسِكْ عَلَيْكَ مَالَكَ فَهُوَ خَيْرٌ لَكَ» قُلْتُ: فَإِنِّي أُمْسِكُ عَلَيَّ سَهْمِي الَّذِي بِخَيْبَرَ.

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح:٤٧٦٧.

Comments:

'For Allâh and His Messenger ﷺ': because Allâh and his Messenger ﷺ were displeased with him, on that occasion.

3857. It was narrated from 'Ubaydullâh bin Ka'b: "I heard my father Ka'b bin Mâlik narrate: 'I said: O Messenger of Allâh, Allâh, the Mighty and Sublime, has saved me by my being truthful, and as part of my repentance I want to give my wealth in charity to Allâh and His Messenger. He said: Keep some of your wealth for yourself; that is better for you. I said: I will keep my share that is in Khaibar.'" (*Sahîh*)

٣٨٥٧ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَعْدَانَ بْنِ عِيسَىٰ قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ قَالَ: حَدَّثَنَا مَعْقِلٌ عَنِ الزُّهْرِيِّ قَالَ: أَخبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ بْنِ كَعْبٍ عَنْ عَمِّهِ عُبَيْدِ اللهِ بْنِ كَعْبٍ قَالَ: سَمِعْتُ أَبِي كَعْبَ بْنَ مَالِكٍ يُحَدِّثُ قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! إِنَّ اللهَ عَزَّ وَجَلَّ إِنَّمَا نَجَّانِي بِالصِّدْقِ، وَإِنَّ مِنْ تَوْبَتِي أَنْ أَنْخَلِعَ مِنْ مَالِي صَدَقَةً إِلَى اللهِ وَإِلَىٰ رَسُولِهِ، فَقَالَ: «أَمْسِكْ عَلَيْكَ بَعْضَ مَالِكَ فَهُوَ خَيْرٌ لَكَ» قُلْتُ: فَإِنِّي أُمْسِكُ سَهْمِي الَّذِي بِخَيْبَرَ.

تخريج: أخرجه مسلم، التوبة، باب حديث توبة كعب بن مالك وصاحبيه، ح:٢٧٦٩/ ٥٥ من حديث الحسن بن أعين به بشطره الأخير، وهو في الكبرٰى، ح:٤٧٦٧.

Comments:

'My share in Khaibar' means the share which I had received from the spoils of the Battle of Khaibar, and it was in the form of land and a garden.

Chapter 38. Is Land Included If A Person Vows To Give Up Wealth?

(المعجم ٣٨) - هَلْ تَدْخُلُ الأَرْضُونَ فِي المَالِ إِذَا نَذَرَ (التحفة ٣٨)

3858. It was narrated that Abû Hurairah said: "We were with the Messenger of Allâh ﷺ in the year of Khaibar, and we did not get any spoils of war except for wealth, goods and clothes. Then a man from Banu Aḍ-Ḍubaib, who was called Rifâ'ah bin Zaid, gave the Messenger of Allâh ﷺ a black slave who was called Mid'am. The Messenger of Allâh ﷺ set out for Wadî Al-Qura. When we were in Wadî Al-Qura, while Mid'am was unloading the luggage of the Messenger of Allâh ﷺ, an arrow came and killed him. The people said: 'Congratulations! You will go to Paradise,' but the Messenger of Allâh ﷺ said: 'No, by the One in Whose hand is my soul! The cloak that he took from the spoils of war on the day of Khaibar is burning him with fire.' When the people heard that, a man brought one or two shoelaces to the Messenger of Allâh ﷺ and the Messenger of Allâh ﷺ said: 'One or two shoelaces of fire.'" (*Sahîh*)

٣٨٥٨ - قَالَ الْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنْ ثَوْرِ بْنِ زَيْدٍ، عَنْ أَبِي الْغَيْثِ مَوْلَى ابْنِ مُطِيعٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كُنَّا مَعَ رَسُولِ اللهِ ﷺ عَامَ خَيْبَرَ فَلَمْ نَغْنَمْ إِلَّا الْأَمْوَالَ وَالْمَتَاعَ وَالثِّيَابَ فَأَهْدَى: رَجُلٌ مِنْ بَنِي الضُّبَيْبِ يُقَالُ لَهُ رِفَاعَةُ بْنُ زَيْدٍ لِرَسُولِ اللهِ ﷺ غُلَامًا أَسْوَدَ يُقَالُ لَهُ مِدْعَمٌ، فَوَجَّهَ رَسُولُ اللهِ ﷺ إِلَىٰ وَادِي الْقُرَىٰ حَتَّى إِذَا كُنَّا بِوَادِي الْقُرَى بَيْنَا مِدْعَمٌ يَحُطُّ رَحْلَ رَسُولِ اللهِ ﷺ فَجَاءَهُ سَهْمٌ فَأَصَابَهُ فَقَتَلَهُ، فَقَالَ النَّاسُ: هَنِيئًا لَكَ الْجَنَّةُ، فَقَالَ رَسُولُ اللهِ ﷺ: «كَلَّا وَالَّذِي نَفْسِي بِيَدِهِ! إِنَّ الشَّمْلَةَ الَّتِي أَخَذَهَا يَوْمَ خَيْبَرَ مِنَ الْمَغَانِمِ لَتَشْتَعِلُ عَلَيْهِ نَارًا» فَلَمَّا سَمِعَ النَّاسُ ذٰلِكَ جَاءَ رَجُلٌ بِشِرَاكٍ أَوْ بِشِرَاكَيْنِ إِلَى رَسُولِ اللهِ ﷺ، فَقَالَ رَسُولُ اللهِ ﷺ: «شِرَاكٌ أَوْ شِرَاكَانِ مِنْ نَارٍ».

تخريج: أخرجه البخاري، الأيمان والنذور، باب: هل يدخل في الأيمان والنذور الأرض والغنم والزرع والأمتعة؟، ح:٦٧٠٧ من حديث مالك به، وهو في الموطأ (يحيى):٢/ ٤٥٩، والكبرٰى، ح:٤٧٦٨ .

Comments:

Meaning; while they did acquire some land, Abû Hurairah said: "We did not get any spoils of war except..." and he did not mention, land. Thereby, the author intends to imply that the term: 'wealth' (*Amwâ*) can include land.

Chapter 39. Saying: "If Allâh Wills"

(المعجم ٣٩) - الاسْتِثْنَاءُ (التحفة ٣٩)

3859. 'Abdullâh bin 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath and says: If Allâh wills, then he has made an exception.'" (*Ṣaḥîḥ*)

٣٨٥٩ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَىٰ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي عَمْرُو ابْنُ الْحَارِثِ، أَنَّ كَثِيرَ بْنَ فَرْقَدٍ حَدَّثَهُ، أَنَّ نَافِعًا حَدَّثَهُمْ عَنْ عَبْدِ اللهِ بْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ فَقَالَ: إِنْ شَاءَ اللهُ، فَقَدِ اسْتَثْنَىٰ».

تخريج: [إسناده صحيح] أخرجه الحاكم:٤/٣٠٣ من حديث ابن وهب به، وصححه، ووافقه الذهبي، وهو في الكبرٰى، ح:٤٧٦٩، تقدم طرفه، ح:٣٨٢٤ من حديث نافع به، وانظر الحديث الآتي.

Comments:

Means, he may or may not fulfill it, if he so desires, as it occurs in the forthcoming narration. (See *Ḥadîth* 3824).

3860. It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath and says: If Allâh wills, then he has made an exception.'" (*Ṣaḥîḥ*)

٣٨٦٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ فَقَالَ: إِنْ شَاءَ اللهُ، فَقَدِ اسْتَثْنَى».

تخريج: [إسناده صحيح] تقدم، ح:٣٨٢٤، وهو في الكبرٰى، ح:٤٧٧٠.

3861. It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "Whoever swears an oath and says, 'If Allâh wills,' then he has the choice: If he wishes, he may go ahead, and if he wishes he may not." (*Ṣaḥîḥ*)

٣٨٦١ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا عَفَّانُ قَالَ: حَدَّثَنَا وُهَيْبٌ قَالَ: حَدَّثَنَا أَيُّوبُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ حَلَفَ عَلَى يَمِينٍ فَقَالَ: إِنْ شَاءَ اللهُ، فَهُوَ بِالْخِيَارِ: إِنْ شَاءَ أَمْضَىٰ وَإِنْ شَاءَ تَرَكَ».

تخريج: [إسناده صحيح] تقدم، ح:٣٨٢٤، وهو في الكبرٰى، ح:٤٧٧١ .

Chapter 40. If A Man Swears An Oath And Someone Says To Him, "If Allâh Wills," Does That Count For Him?

(المعجم ٤٠) - إِذَا حَلَفَ فَقَالَ لَهُ رَجُلٌ إِنْ شَاءَ اللهُ، هَلْ لَهُ اسْتِثْنَاءٌ؟ (التحفة ٤٠)

3862. Abû Hurairah narrated that the Messenger of Allâh ﷺ said: "Sulaimân bin Dâwûd said: 'Tonight I will go around ninety women, each of whom will bear a horseman who will perform *Jihâd* in the cause of Allâh.' His companion said to him: 'If Allâh wills.' But he did not say: 'If Allâh wills.' Then he went around to them all, but none of them got pregnant except a woman who bore half a man. By the One in Whose Hand is my soul! If he had said, 'If Allâh wills,' they would all have performed *Jihâd* in cause of Allâh as horsemen.'" (*Ṣaḥîḥ*)

٣٨٦٢ - أَخْبَرَنَا عِمْرَانُ بْنُ بَكَّارٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ عَيَّاشٍ قَالَ: أَخْبَرَنَا شُعَيْبٌ قَالَ: حَدَّثَنِي أَبُو الزِّنَادِ، مِمَّا حَدَّثَهُ عَبْدُ الرَّحْمٰنِ الْأَعْرَجُ، مِمَّا ذَكَرَ، أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يُحَدِّثُ بِهِ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «قَالَ سُلَيْمَانُ بْنُ دَاوُدَ لَأَطُوفَنَّ اللَّيْلَةَ عَلَى تِسْعِينَ امْرَأَةً، كُلُّهُنَّ تَأْتِي بِفَارِسٍ يُجَاهِدُ فِي سَبِيلِ اللهِ عَزَّ وَجَلَّ فَقَالَ لَهُ صَاحِبُهُ: إِنْ شَاءَ اللهُ، فَلَمْ يَقُلْ إِنْ شَاءَ اللهُ، فَطَافَ عَلَيْهِنَّ جَمِيعًا فَلَمْ تَحْمِلْ مِنْهُنَّ إِلَّا امْرَأَةٌ وَاحِدَةٌ جَاءَتْ بِشِقِّ رَجُلٍ، وَايْمُ الَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ! لَوْ قَالَ: إِنْ شَاءَ اللهُ، لَجَاهَدُوا فِي سَبِيلِ اللهِ فُرْسَانًا أَجْمَعِينَ».

تخريج: أخرجه البخاري، الأيمان والنذور، باب: كيف كانت يمين النبي ﷺ؟، ح:٦٦٣٩ من حديث شعيب بن أبي حمزة به، وهو في الكبرٰى، ح:٤٧٧٢.

Comments:

The purpose of the chapter is that a companion's uttering 'If Allâh Wills it so' would not avail the swearer of the oath the benefit of exemption. And this matter is evident from this *Ḥadîth*.

Chapter 41. Expiation For Vows

(المعجم ٤١) - كَفَّارَةُ النَّذْرِ (التحفة ٤١)

3863. It was narrated from 'Uqbah bin 'Âmir that the Messenger of Allâh ﷺ said: "The expiation for vows is the expiation for an oath." (*Ṣaḥîḥ*)

٣٨٦٣ - أَخْبَرَنَا أَحْمَدُ بْنُ يَحْيَى بْنِ الْوَزِيرِ بْنِ سُلَيْمَانَ وَالْحَارِثُ بْنُ مِسْكِينٍ، قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ كَعْبِ بْنِ عَلْقَمَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ شَمَاسَةَ، عَنْ

عُقْبَةَ بْنِ عَامِرٍ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «كَفَّارَةُ النَّذْرِ كَفَّارَةُ الْيَمِينِ».

تخريج: [إسناده صحيح] وهو في الكبرى، ح:٤٧٧٣، وله طريق آخر عند مسلم، النذر، باب: في كفارة النذر، ح:١٦٤٥ عن كعب بن علقمة عن عبدالرحمن بن شماسة عن أبي الخير مرثد بن عبدالله عن عقبة به.

Comments:

And the expiation of an oath is explicitly mentioned in the Glorious Qur'ân. To feed ten people who are needy, or to clothe them (provide them with clothing), or to free a slave. If one is unable to do any of the three, one shall have to fast for three days. And this is the expiation for a vow or *Nadhr*, provided one has not vowed for more than this. If the vow is concerning food, clothes, money, or freeing of a slave, then the stipulated vow shall have to be fulfilled. This expiation is in the event when the vow is dubious, or is concerning some other work, and the taker of the vow does not find himself capable of fulfilling that vow, or the vow relates to disobedience. If the vow is regarding something good, and if one is capable of fulfilling it, then one ought to fulfill the vow itself.

3864. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ said: 'There is no vow to commit an act of disobedience.'" (***Ṣaḥîḥ***)

٣٨٦٤ - أَخْبَرَنَا كَثِيرُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ عَنِ الزُّبَيْدِيِّ عَنِ الزُّهْرِيِّ، أَنَّهُ بَلَغَهُ عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي مَعْصِيَةٍ».

تخريج: [صحيح] وللحديث شواهد كثيرة، منها الأحاديث الآتية.

3865. It was narrated from 'Âishah that the Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience and its expiation is the expiation for an oath." (***Ṣaḥîḥ***)

٣٨٦٥ - أَخْبَرَنَا يُونُسُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَكَفَّارَتُهُ كَفَّارَةُ الْيَمِينِ».

تخريج: [صحيح] أخرجه أبو داود، الأيمان والنذور، باب من رأى عليه كفارةً إذا كان في معصية، ح:٣٢٩١ وغيره من حديث عبدالله بن وهب به، * يونس هو ابن يزيد الأيلي، وللحديث شواهد.

3866. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ

٣٨٦٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ الْمُخَرِّمِيُّ قَالَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ

said: 'There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.'" (*Ṣaḥîḥ*)

قَالَ: حَدَّثَنَا ابْنُ الْمُبَارَكِ عَنْ يُونُسَ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَكَفَّارَتُهُ كَفَّارَةُ يَمِينٍ».

تخريج: [صحيح] وانظر الحديث السابق.

3867. It was narrated from 'Âishah that the Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath." (*Ṣaḥîḥ*)

٣٨٦٧ - **أَخْبَرَنَا** إِسْحَاقُ بْنُ مَنْصُورٍ قَالَ: أَخْبَرَنَا عُثْمَانُ بْنُ عُمَرَ قَالَ: حَدَّثَنَا يُونُسُ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَكَفَّارَتُهُ كَفَّارَةُ يَمِينٍ».

تخريج: [صحيح] تقدم، ح: ٣٨٦٥ .

3868. It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ said: 'There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.'" (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: It was said: "Az-Zuhrî did not hear this from Abû Salamah."

٣٨٦٨ - **أَخْبَرَنَا** قُتَيْبَةُ قَالَ: حَدَّثَنَا أَبُو صَفْوَانَ عَنْ يُونُسَ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ قَالَتْ: قَال رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَكَفَّارَتُهُ كَفَّارَةُ الْيَمِينِ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: وَقَدْ قِيلَ: إِنَّ الزُّهْرِيَّ لَمْ يَسْمَعْ هٰذَا مِنْ أَبِي سَلَمَةَ.

تخريج: [صحيح] تقدم، ح: ٣٨٦٥.

3869. It was narrated from 'Âishah that the Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath." (*Ṣaḥîḥ*)

٣٨٦٩ - **أَخْبَرَنَا** هَارُونُ بْنُ مُوسَى الْفَرْوِيُّ قَالَ: حَدَّثَنَا أَبُو ضَمْرَةَ عَنْ يُونُسَ، عَنِ ابْنِ شِهَابٍ قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَكَفَّارَتُهَا كَفَّارَةُ الْيَمِينِ».

تخريج: [إسناده صحيح] تقدم، ح: ٣٨٦٥.

3870. It was narrated from 'Âishah

٣٨٧٠ - **أَخْبَرَنَا** مُحَمَّدُ بْنُ إِسْمَاعِيلَ

التِّرْمِذِيُّ قَالَ: حَدَّثَنَا أَيُّوبُ بنُ سُلَيْمَانَ قَالَ: حَدَّثَنِي أَبُو بَكْرِ بْنُ أَبِي أُوَيْسٍ قَالَ: حَدَّثَنِي سُلَيْمَانُ بْنُ بِلَالٍ عَنْ مُحَمَّدِ بْنِ أَبِي عَتِيقٍ وَمُوسَى بْنِ عُقْبَةَ، عَنِ ابْنِ شِهَابٍ، عَنْ سُلَيْمَانَ بْنِ أَرْقَمَ، أَنَّ يَحْيَى بْنَ أَبِي كَثِيرٍ الَّذِي كَانَ يَسْكُنُ الْيَمَامَةَ حَدَّثَهُ، أَنَّهُ سَمِعَ أَبَا سَلَمَةَ يُخْبِرُ عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَكَفَّارَتُهَا كَفَّارَةُ الْيَمِينِ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: سُلَيْمَانُ بْنُ أَرْقَمَ مَتْرُوكُ الْحَدِيثِ وَاللهُ أَعْلَمُ، خَالَفَهُ غَيْرُ وَاحِدٍ مِنْ أَصْحَابِ يَحْيَى بْنِ أَبِي كَثِيرٍ فِي هٰذَا الْحَدِيثِ.

that the Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath." (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: Sulaimân bin Arqam (one of the narrators) is *Matrûk*[1] in Ḥadîth and Allâh knows best. More than one of the companions of Yaḥya bin Abî Kathîr contradicted him in this narration.

تخريج: [صحيح] أخرجه أبو داود، الأيمان والنذور، باب من رأى عليه كفارةً إذا كان في معصية، ح:٣٢٩٢ من حديث أيوب بن سليمان به، وقال الترمذي، ح:١٥٢٥ "غريب"، وانظر الحديث السابق.

٣٨٧١ - أَخْبَرَنَا هَنَّادُ بْنُ السَّرِيِّ عَنْ وَكِيعٍ، عَنِ ابْنِ الْمُبَارَكِ - وَهُوَ عَلِيٌّ - عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدِ بْنِ الزُّبَيْرِ الْحَنْظَلِيِّ، عَنْ أَبِيهِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَكَفَّارَتُهُ كَفَّارَةُ يَمِينٍ».

3871. It was narrated that 'Imrân bin Ḥuṣain said: "The Messenger of Allâh ﷺ said: 'There is no vow to commit an act of disobedience, and its expiation is the expiation for an oath.'" (*Ṣaḥîḥ*)

تخريج: [صحيح] ❋ محمد بن الزبير ضعيف جدًّا، ولكن لحديثه شواهد.

٣٨٧٢ - أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ قَالَ: حَدَّثَنَا بَقِيَّةُ عَنْ أَبِي عَمْرٍو - وَهُوَ الْأَوْزَاعِيُّ - عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدِ بْنِ

3872. It was narrated that 'Imrân bin Ḥuṣain, may Allâh be pleased with him, said: "The Messenger of Allâh ﷺ said: 'There is no vow to

[1] Abandoned; they do not narrate from him in most cases.

الزُّبَيْرِ الْحَنْظَلِيِّ، عَنْ أَبِيهِ عَنْ عِمْرَانَ بْنِ حُصَيْنٍ رَضِيَ اللهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَكَفَّارَتُهَا كَفَّارَةُ يَمِينٍ».

تخريج: [صحيح] انظر الحديث السابق.

commit an act of disobedience, and its expiation is the expiation for an oath.'" (*Ṣaḥîḥ*)

٣٨٧٣ - أَخْبَرَنَا عَلِيُّ بْنُ مَيْمُونٍ قَالَ: حَدَّثَنَا مَعْمَرُ بْنُ سُلَيْمَانَ عَنْ عَبْدِ اللهِ بْنِ بِشْرٍ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ مُحَمَّدٍ الْحَنْظَلِيِّ، عَنْ أَبِيهِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي غَضَبٍ وَكَفَّارَتُهُ كَفَّارَةُ الْيَمِينِ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: مُحَمَّدُ بْنُ الزُّبَيْرِ ضَعِيفٌ لَا يَقُومُ بِمِثْلِهِ حُجَّةٌ، وَقَدِ اخْتُلِفَ عَلَيْهِ فِي هٰذَا الْحَدِيثِ.

تخريج: [سنده ضعيف] انظر الحديثين السابقين.

3873. It was narrated that 'Imrân bin Ḥuṣain said: "The Messenger of Allâh ﷺ said: 'There is no vow at a moment of anger and its expiation is the expiation for an oath.'" (***Ḍa'îf***)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: Muḥammad bin Az-Zubair is weak in *Ḥadîth*, his likes cannot be relied upon as proof. He has been contradicted in this *Ḥadîth*.

٣٨٧٤ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا الْحَسَنُ بْنُ مُوسَى قَالَ: حَدَّثَنَا شَيْبَانُ عَنْ يَحْيَى، عَنْ مُحَمَّدِ بْنِ الزُّبَيْرِ، عَنْ أَبِيهِ، عَنْ عِمْرَانَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي غَضَبٍ وَكَفَّارَتُهُ كَفَّارَةُ الْيَمِينِ».

تخريج: [إسناده ضعيف]تقدم طرفه، ح: ٣٨٧١.

3874. It was narrated that 'Imrân said: The Messenger of Allâh ﷺ said: "There is no vow at a moment of anger and its expiation is the expiation for an oath." (***Ḍa'îf***)

٣٨٧٥ - أَخْبَرَنَا قُتَيْبَةُ: أَخْبَرَنَا حَمَّادٌ عَنْ مُحَمَّدٍ، عَنْ أَبِيهِ، عَنْ عِمْرَانَ قَالَ: قَالَ - يَعْنِي رَسُولَ اللهِ ﷺ -: «لَا نَذْرَ فِي غَضَبٍ وَكَفَّارَتُهُ كَفَّارَةُ الْيَمِينِ» وَقِيلَ: إِنَّ الزُّبَيْرَ لَمْ يَسْمَعْ هٰذَا الْحَدِيثَ مِنْ عِمْرَانَ بْنِ حُصَيْنٍ.

3875. It was narrated that 'Imrân said: The Messenger of Allâh ﷺ said: "There is no vow at a moment of anger and its expiation is the expiation for an oath." It was said: "Az-Zubair did not hear this *Ḥadîth* from 'Imrân bin Ḥuṣain." (***Ḍa'îf***)

تخريج: [سنده ضعيف] تقدم طرفه، ح: ٣٨٧١.

3876. It was narrated from Muḥammad bin Az-Zubair, from his father, from a man from the inhabitants of Al-Baṣrah, who said: "I accompanied 'Imrân bin Ḥuṣain, who said: 'I heard the Messenger of Allâh ﷺ say: Vows are of two types: A vow that is made to do an act of obedience to Allâh; that is for Allâh and must be fulfilled, and a vow that is made to do an act of disobedience to Allâh; that is for the *Shaiṭân* and should not be fulfilled, and its expiation is the expiation for an oath." (*Ṣaḥîḥ*)

٣٨٧٦ - أَخْبَرَنِي مُحَمَّدُ بْنُ وَهْبٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنَا ابْنُ إِسْحَاقَ عَنْ مُحَمَّدِ بْنِ الزُّبَيْرِ، عَنْ أَبِيهِ، عَنْ رَجُلٍ مِنْ أَهْلِ الْبَصْرَةِ قَالَ: صَحِبْتُ عِمْرَانَ ابْنَ حُصَيْنٍ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «النَّذْرُ نَذْرَانِ: فَمَا كَانَ مِنْ نَذْرٍ فِي طَاعَةِ اللهِ فَذٰلِكَ لِلَّهِ وَفِيهِ الْوَفَاءُ، وَما كَانَ مِنْ نَذْرٍ فِي مَعْصِيَةِ اللهِ فَذٰلِكَ لِلشَّيْطَانِ وَلَا وَفَاءَ فِيهِ وَيُكَفِّرُهُ مَا يُكَفِّرُ الْيَمِينَ».

تخريج: [صحيح] وللحديث شواهد.

3877. It was narrated that Muḥammad bin Az-Zubayr Hanzali said: My father told me that a man told him, that he asked 'Imrân bin Ḥuṣain about a man who made a vow not to attend the prayers in the mosque of his people. 'Imrân said: I heard the Messenger of Allâh ﷺ say: There is no vow at a moment of anger and its expiation is the expiation for an oath."' (*Ḍa'îf*)

٣٨٧٧ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَعْقُوبَ قَالَ: حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ مُحَمَّدِ بْنِ الزُّبَيْرِ الْحَنْظَلِيِّ قَالَ: أَخْبَرَنِي أَبِي أَنَّ رَجُلًا حَدَّثَهُ، أَنَّهُ سَأَلَ عِمْرَانَ بْنَ حُصَيْنٍ عَنْ رَجُلٍ نَذَرَ نَذْرًا لَا يَشْهَدُ الصَّلَاةَ فِي مَسْجِدِ قَوْمِهِ فَقَالَ عِمْرَانُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «لَا نَذْرَ فِي غَضَبٍ وَكَفَّارَتُهُ كَفَّارَةُ يَمِينٍ».

تخريج: [إسناده ضعيف] انفرد به النسائي * محمد بن الزبير تقدم حاله، ح: ٣٨٧١ وح: ٣٨٧٣.

3878. It was narrated that 'Imrân bin Ḥuṣain said: The Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience or at the time of anger, and its expiation is the expiation for an oath." (*Ḍa'îf*)

٣٨٧٨ - أَخْبَرَنَا أَحْمَدُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ مُحَمَّدِ ابْنِ الزُّبَيْرِ، عَنِ الْحَسَنِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي مَعْصِيَةٍ ولَا غَضَبٍ، وَكَفَّارَتُهُ كَفَّارَةُ الْيَمِينِ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤/ ٤٤٣ من حديث سفيان الثوري به، وانظر الحديث السابق.

3879. It was narrated that 'Imrân bin Ḥuṣain said: The Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience and its expiation is the expiation for an oath." Manṣûr bin Zâdhân contradicted him in its wording. (*Ṣaḥîḥ*)

٣٨٧٩ - أَخْبَرَنِي هِلَالُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا أَبُو سُلَيْمٍ - وَهُوَ عُبَيْدُ بْنُ يَحْيَى - قَالَ: حَدَّثَنَا أَبُو بَكْرٍ النَّهْشَلِيُّ عَنْ مُحَمَّدِ بْنِ الزُّبَيْرِ، عَنِ الْحَسَنِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَكَفَّارَتُهُ كَفَّارَةُ الْيَمِينِ»

خَالَفَهُ مَنْصُورُ بْنُ زَاذَانَ فِي لَفْظِهِ

تخريج: [صحيح] تقدم شاهده، ح:٣٨٦٩.

3880. It was narrated that 'Imrân bin Ḥuṣain said: The Messenger of Allâh ﷺ said: "There is no vow for the son of Adam with regard to that which he does not possess, or to do an act of disobedience to Allâh, the Mighty and Sublime." (*Ṣaḥîḥ*) 'Alî bin Zaid contradicted him – for he reported it from Al-Ḥasan from 'Abdur-Raḥman bin Samurah.

٣٨٨٠ - أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا مَنْصُورٌ عَنِ الْحَسَنِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ - يَعْنِي النَّبِيَّ ﷺ -: «لَا نَذْرَ لِابْنِ آدَمَ فِيمَا لَا يَمْلِكُ، وَلَا فِي مَعْصِيَةِ اللهِ عَزَّ وَجَلَّ»

خَالَفَهُ عَلِيُّ بْنُ زَيْدٍ - فَرَوَاهُ عَنِ الْحَسَنِ عَنْ عَبْدِ الرَّحْمٰنِ بْنِ سَمُرَةَ -.

تخريج: [صحيح] أخرجه أحمد:٤/٤٢٩ عن هشيم به، وللحديث شواهد كثيرة جدًّا.

Contents:

But if he takes a vow it is forbidden to fulfill the vow in both the cases. The expiation shall have to be performed as has preceded above.

3881. It was narrated from 'Abdur-Raḥmân bin Samurah that the Prophet ﷺ said: "There is no vow to commit an act of disobedience or with regard to that which the son of Âdam does not possess." (*Ṣaḥîḥ*)

Abû 'Abdur-Raḥmân (An-Nasâ'î) said: 'Alî bin Zaid is weak, and this *Ḥadîth* is a mistake, and what is correct is: (from) 'Imrân bin Ḥuṣain. This *Ḥadîth* has been reported from 'Imrân bin Ḥuṣain

٣٨٨١ - أَخْبَرَنَا عَلِيُّ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ قَالَ: حَدَّثَنَا خَلَفُ بْنُ تَمِيمٍ قَالَ: حَدَّثَنَا زَائِدَةُ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ زَيْدِ بْنِ جُدْعَانَ، عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ سَمُرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَلَا فِيمَا لَا يَمْلِكُ ابْنُ آدَمَ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: عَلِيُّ بْنُ زَيْدٍ ضَعِيفٌ وَهٰذَا الْحَدِيثُ خَطَأٌ وَالصَّوَابُ: عِمْرَانُ بْنُ حُصَيْنٍ وَقَدْ رُوِيَ هٰذَا الْحَدِيثُ

عَنْ عِمْرَانَ بْنِ حُصَيْنٍ مِنْ وَجْهٍ آخَرَ.

through other routes.

تخريج: [صحيح] انفرد به النسائي، وللحديث شواهد كثيرة.

٣٨٨٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: حَدَّثَنِي أَيُّوبُ قَالَ: أَخْبَرَنَا أَبُو قِلَابَةَ عَنْ عَمِّهِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا نَذْرَ فِي مَعْصِيَةٍ وَلَا فِيمَا لَا يَمْلِكُ ابْنُ آدَمَ».

تخريج: [صحيح] تقدم، ح: ٣٨٤٣.

3882. It was narrated that 'Imrân bin Ḥuṣain said: The Messenger of Allâh ﷺ said: "There is no vow to commit an act of disobedience or with regard to that which the son of Âdam does not possess." (*Ṣaḥîḥ*)

(المعجم ٤٢) - مَا الْوَاجِبُ عَلَى مَنْ أَوْجَبَ عَلَى نَفْسِهِ نَذْرًا فَعَجَزَ عَنْهُ؟ (التحفة ٤٢)

Chapter 42. What Is The Requirement Upon One Who Made A Vow That Something Would Be Obligatory For Him, Then He Is Unable To Do It?

٣٨٨٣ - أَخْبَرَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا حَمَّادُ بْنُ مَسْعَدَةَ عَنْ حُمَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: رَأَى النَّبِيُّ ﷺ رَجُلًا يُهَادَى بَيْنَ رَجُلَيْنِ فَقَالَ: «مَا هٰذَا؟» قَالُوا: نَذَرَ أَنْ يَمْشِيَ إِلَى بَيْتِ اللهِ قَالَ: «إِنَّ اللهَ غَنِيٌّ عَنْ تَعْذِيبِ هٰذَا نَفْسَهُ، مُرْهُ فَلْيَرْكَبْ».

3883. It was narrated that Anas said: "The Prophet ﷺ saw a man being supported by two others and said: 'What is this?' They said: 'He vowed to walk to the House of Allâh.' He said: 'Allâh has no need for this man to torture himself. Tell him to ride.'" (*Ṣaḥîḥ*)

تخريج: أخرجه البخاري، جزاء الصيد، باب من نذر المشي إلى الكعبة، ح: ١٨٦٥، ومسلم، النذر، باب من نذر أن يمشي إلى الكعبة، ح: ١٦٤٢ من حديث حميد الطويل به.

Comments:

(See No. 3845)

٣٨٨٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا خَالِدٌ قَالَ: حَدَّثَنَا حُمَيْدٌ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: مَرَّ رَسُولُ اللهِ ﷺ بِشَيْخٍ يُهَادَى بَيْنَ اثْنَيْنِ فَقَالَ: «مَا بَالُ هٰذَا؟» فَقَالُوا: نَذَرَ أَنْ يَمْشِيَ قَالَ: «إِنَّ اللهَ غَنِيٌّ عَنْ تَعْذِيبِ هٰذَا نَفْسَهُ، مُرْهُ فَلْيَرْكَبْ». فَأَمَرَهُ أَنْ يَرْكَبَ.

3884. It was narrated that Anas said: "The Messenger of Allâh ﷺ passed by an old man who was being supported between two men and said: 'What is the matter with him?' They said: 'He vowed to walk.' He said: 'Allâh has no need for him to torture himself. Tell him to ride.'" So, he was told to ride. (*Ṣaḥîḥ*)

تخريج: [صحيح] انظر الحديث السابق.

3885. It was narrated that Anas bin Mâlik said: "The Messenger of Allâh ﷺ came to a man who was being supported by two others and said: 'What is the matter with him?' It was said: 'He vowed to walk to the Ka'bah.' He said: 'Allâh does not benefit from his torturing himself.' And he told him to ride." (*Ṣaḥîḥ*)

٣٨٨٥ - أَخْبَرَنَا أَحْمَدُ بْنُ حَفْصٍ قَالَ: حَدَّثَنِي أَبِي قَالَ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ طَهْمَانَ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: أَتَىٰ رَسُولُ اللهِ ﷺ عَلَىٰ رَجُلٍ يُهَادَى بَيْنَ ابْنَيْهِ فَقَالَ: «مَا شَأْنُ هٰذَا؟» فَقِيلَ: نَذَرَ أَنْ يَمْشِيَ إِلَى الْكَعْبَةِ فَقَالَ: «إِنَّ اللهَ لَا يَصْنَعُ بِتَعْذِيبِ هٰذَا نَفْسَهُ شَيْئًا». فَأَمَرَهُ أَنْ يَرْكَبَ.

تخريج: [صحيح] أخرجه الترمذي، النذور والأيمان، باب ماجاء فيمن يحلف بالمشي ولا يستطيع، ح:١٥٣٧ من حديث حميد به * وهو متفق عليه من حديث حميد عن ثابت عن أنس به، وانظر الحديث السابق.

Comments:

'(Allâh's Messenger ﷺ) commanded him' because he was incapable of walking. The one who is able to walk should walk. If one is rendered incapable, then he should ride and perform the expiation.

Chapter 43. The Exception (Saying: "If Allâh Wills")

(المعجم ٤٣) - **الاسْتِثْنَاءُ** (التحفة ٤٣)

3886. It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath and says: "If Allâh wills, then he has made an exception."'" (*Ṣaḥîḥ*)

٣٨٨٦ - أَخْبَرَنَا نُوحُ بْنُ حَبِيبٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ عَلَىٰ يَمِينٍ فَقَالَ: إِنْ شَاءَ اللهُ، فَقَدِ اسْتَثْنَى».

تخريج: [إسناده صحيح] أخرجه الترمذي، النذور والأيمان، باب ماجاء في الاستثناء في اليمين، ح:١٥٣٢، وابن ماجه، الكفارات، باب الاستثناء في اليمين، ح:٢١٠٤ من حديث عبدالرزاق به، وصححه ابن حبان، ح:١١٨٥، وله شواهد.

3887. It was narrated from Abû Hurairah, who attributed it to the Prophet ﷺ: "Sulaimân said: 'I will certainly go around to ninety

٣٨٨٧ - أَخْبَرَنَا الْعَبَّاسُ بْنُ عَبْدِ الْعَظِيمِ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ

رَفَعَهُ «قَالَ سُلَيْمَانُ: لَأَطُوفَنَّ اللَّيْلَةَ عَلَى تِسْعِينَ امْرَأَةً، تَلِدُ كُلُّ امْرَأَةٍ مِنْهُنَّ غُلَامًا يُقَاتِلُ فِي سَبِيلِ اللهِ، فَقِيلَ لَهُ: قُلْ: إِنْ شَاءَ اللهُ فَلَمْ يَقُلْ، فَطَافَ بِهِنَّ فَلَمْ تَلِدْ مِنْهُنَّ إِلَّا امْرَأَةٌ وَاحِدَةٌ نِصْفَ إِنْسَانٍ». فَقَالَ رَسُولُ اللهِ ﷺ: لَوْ قَالَ: «إِنْ شَاءَ اللهُ، لَمْ يَحْنَثْ، وَكَانَ دَرَكًا لِحَاجَتِهِ».

women tonight, each of whom will bear a child who will fight in the cause of Allâh.' It was said to him: 'Say: If Allâh wills,'" but he did not say it. He went around to them but none of them bore a child except for one woman who bore half a person." The Messenger of Allâh ﷺ said: "If he had said, 'If Allâh wills,' he would not have broken his vow, and this would have been a means to help him to get what he wanted." (***Ṣaḥîḥ***)

تخريج: أخرجه البخاري، النكاح، باب قول الرجل: لأطوفن الليلة على نسائي، ح: ٥٢٤٢، ومسلم، الأيمان، باب الاستثناء في اليمين، ح: ١٦٥٤/ ٢٤ من حديث عبدالرزاق بن همام به.

The Book Of Agriculture

(المعجم ...) - [كِتَابُ الْمُزَارَعَةِ]
(التحفة ١٩)

Chapter 44. The Third Of The Conditions, In It Is Sharecropping (*Muzâra'ah*) And Contracting[1]

(المعجم ٤٤) - الثَّالِثُ مِنَ الشُّرُوطِ فِيهِ الْمُزَارَعَةُ وَالْوَثَائِقُ (التحفة ١)

3888. It was narrated that Abû Sa'eed said: "When you hire a worker, tell him what his wages will be." (*Ḍa'îf*)

٣٨٨٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ شُعْبَةَ، عَنْ حَمَّادٍ، عَنْ إِبْرَاهِيمَ، عَنْ أَبِي سَعِيدٍ قَالَ: إِذَا اسْتَأْجَرْتَ أَجِيرًا فَأَعْلِمْهُ أَجْرَهُ.

تخريج: [إسناده ضعيف] أخرجه أبو داود في المراسيل، ح:١٨١ من حديث حماد بن أبي سليمان به * إبراهيم هو النخعي ولم يسمع من أبي سعيد الخدري كما في تحفة الأشراف:٣/ ٣٢٦.

3889. It was narrated from Al-Ḥasan that he disliked to hire a man without telling him what his wages would be. (*Ḍa'îf*)

٣٨٨٩ - أَخْبَرَنَا مُحَمَّدٌ قَالَ: أَخْبَرَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ حَمَّادِ بْنِ سَلَمَةَ، عَنْ يُونُسَ، عَنِ الْحَسَنِ: أَنَّهُ كَرِهَ أَنْ يَسْتَأْجِرَ الرَّجُلَ حَتَّى يُعْلِمَهُ أَجْرَهُ.

تخريج: [إسناده ضعيف] انفرد به النسائي * يونس هو ابن عبيد وهو مدلس كما قال النسائي (سير أعلام النبلاء:٧/ ٧٤) وعنعن، عبدالله هو ابن المبارك.

3890. It was narrated from Hammâd – Ibn Abî Sulaimân – that he was asked about a man who

٣٨٩٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: أَخْبَرَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ جَرِيرٍ

[1] In his *Sunan Al-Kubra* the author named the chapter in which these narrations are included: "Regarding Hiring" and prior to that is the chapter: "Mentioning The Differences Regarding Proxies" and prior to that is the chapter on sharecropping which is Chapter 46 in this book. So it is possible that by "The Third of Conditions" he is referring to what was mentioned in the two chapters previous to it in *Al-Kubra*. However, As-Sindî interpreted the meaning of: "The Third of The Conditions" here to refer to the fact that both *Muzâra'ah* and contracting involve something that is openended, and for that reason they have a relationship to the discussion of vows and oaths. The author has cited examples of contracts at the end of this book as well. See a sample for this topic after No. 3959. And Allâh knows best.

ابْنِ حَازِمٍ، عَنْ حَمَّادٍ - وَهُوَ ابْنُ أَبِي سُلَيْمَانَ -: أَنَّهُ سُئِلَ عَنْ رَجُلٍ اسْتَأْجَرَ أَجِيرًا عَلَى طَعَامِهِ قَالَ: لَا حَتَّى تُعْلِمَهُ.

hired a worker in return for food and he said: "No, not until he tells him (what his wages will be)." (*Hasan*)

تخريج: [إسناده حسن] انفرد به النسائي * جرير بن حازم، رماه البيهقي: ٥/ ٢٣٠ وغيره بالتدليس، ولكنه بريء من التدليس انظر طبقات المدلسين بتحقيقي(٧/ ١)، والله أعلم.

٣٨٩١ - أَخْبَرَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنْ مَعْمَرٍ، عَنْ حَمَّادٍ وَقَتَادَةَ: فِي رَجُلٍ قَالَ لِرَجُلٍ: أَسْتَكْرِي مِنْكَ إِلَى مَكَّةَ بِكَذَا وَكَذَا فَإِنْ سِرْتُ شَهْرًا أَوْ كَذَا وَكَذَا - شَيْئًا سَمَّاهُ - فَلَكَ زِيَادَةُ كَذَا وَكَذَا، فَلَم يَرَيَا بِهِ بَأْسًا وَكَرِهَا أَنْ يَقُولَ: أَسْتَكْرِي مِنْكَ بِكَذَا وَكَذَا فَإِنْ سِرْتُ أَكْثَرَ مِنْ شَهْرٍ نَقَصْتُ مِنْ كِرَائِكَ كَذَا وَكَذَا.

3891. It was narrated from Hammâd and Qatâdah, concerning a man who said to another man: "I will lease (something) from you until I reach Makkah for such and such a payment, and if I travel for a month or such and such – something that he named – I will give you such and such in addition." They did not see anything wrong with that, but they did not like it if he said: "If I travel for more than a month I will deduct such and such from your lease." (*Sahîh*)

تخريج: [إسناده صحيح] انفرد به النسائي.

Comments:

The objective is that if the mount ran fast and it took less time, I would pay you more money; but if the mount did not run fast, and took more time, then I would pay you less. The former situation is permissible because in it the condition of giving a prize or reward is found; and obviously giving reward is permitted. The latter situation is forbidden, because it is a form of wronging the owner of the mount. It took more time, on one hand; and on the other hand, he got less rent. Tyranny or oppression is not allowed.

٣٨٩٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: أَخْبَرَنَا عَبْدُ اللهِ عَنِ ابْنِ جُرَيْجٍ قِرَاءَةً قَالَ: قُلْتُ لِعَطَاءٍ: عَبْدٌ أُؤَاجِرُهُ سَنَةً بِطَعَامِهِ وَسَنَةً أُخْرَى بِكَذَا وَكَذَا؟ قَالَ: لَا بَأْسَ بِهِ وَيُجْزِئُهُ اشْتِرَاطُكَ حِينَ تُؤَاجِرُهُ أَيَّامًا، أَوْ آجَرْتَهُ وَقَدْ مَضَى بَعْضُ السَّنَةِ، قَالَ: إِنَّكَ لَا تُحَاسِبُنِي لِمَا مَضَى.

3892. It was narrated that Ibn Juraij said: "I said to 'Atâ': 'What if I hire a slave for a year in return for his food, and for another year, in return for such and such?' He said: 'There is nothing wrong with that, and you may stipulate your conditions of hiring even for a few days.' 'How about if I make a deal to hire him when part of the year has passed?' He said: 'Do not hold

me to account for what has passed.'" (*Ṣaḥîḥ*)

تخريج: [إسناده صحيح] انفرد به النسائي.

Comments:

The objective behind narrating the above-mentioned report is to demonstrate that the wage of a servant ought to be known and fixed, irrespective of whether it be in the form of food, etc. Besides, one should abstain from stipulating a condition which is detrimental to the servant or the employee.

Chapter 45. Mentioning The Differing *Ḥadîths* Regarding The Prohibition Of Leasing Out Land In Return For One-Third, Or One Quarter Of The Harvest, And The Different Wordings Reported By The Narrators

(المعجم ٤٥) - ذِكْرُ الأَحَادِيثِ الْمُخْتَلِفَةِ فِي النَّهْيِ عَنْ كِرَاءِ الأَرْضِ بِالثُّلُثِ وَالرُّبُعِ وَاخْتِلَافِ أَلْفَاظِ النَّاقِلِينَ لِلْخَبَرِ (التحفة ٢)

3893. It was narrated from Usaid bin Zuhair that he went out to his people, Banu Ḥârithah, and said: "O Banu Ḥârithah, a calamity has befallen you." They said: "What is it?" He said: "The Messenger of Allâh ﷺ has forbidden leasing land." We said: "O Messenger of Allâh, what if we lease it in return for some of the grain?" He said, "No." He said: "We used to lease it in return for straw." He said: "No." We used to lease it in return for what is planted on the banks of a stream that is used for irrigation." He said: "No. Cultivate it (yourself) or give it to your brother." (*Da'îf*)

٣٨٩٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ قَالَ: أَخْبَرَنَا خَالِدٌ - هُوَ ابْنُ الْحَارِثِ - قَالَ: قَرَأْتُ عَلَى عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ: أَخْبَرَنِي أَبِي عَنْ رَافِعِ بْنِ أُسَيْدِ بْنِ ظُهَيْرٍ، عَنْ أَبِيهِ أُسَيْدِ بْنِ ظُهَيْرٍ: أَنَّهُ خَرَجَ إِلَىٰ قَوْمِهِ إِلَىٰ بَنِي حَارِثَةَ فَقَالَ: يَا بَنِي حَارِثَةَ! لَقَدْ دَخَلَتْ عَلَيْكُمْ مُصِيبَةٌ قَالُوا: مَا هِيَ؟ قَالَ: نَهَى رَسُولُ اللهِ ﷺ عَنْ كِرَاءِ الْأَرْضِ قُلْنَا: يَا رَسُولَ اللهِ! إِذًا نُكْرِيهَا بِشَيْءٍ مِنَ الْحَبِّ قَالَ: «لَا». قَالَ: وَكُنَّا نُكْرِيهَا بِالتِّبْنِ فَقَالَ: «لَا» وَكُنَّا نُكْرِيهَا بِمَا عَلَى الرَّبِيعِ السَّاقِي قَالَ: «لَا ازْرَعْهَا أَوِ امْنَحْهَا أَخَاكَ».

خَالَفَهُ مُجَاهِدٌ.

تخريج: [إسناده ضعيف] انفرد به النسائي، والمحفوظ هو الحديث الآتي أخرجه الطبراني في الكبير: ١/ ٢١٠، ح: ٥٧١ من حديث خالد بن الحارث به مختصرًا، وهو في الكبرى، ح: ٤٥٨٩ * رافع بن أسيد لم يوثقه غير ابن حبان.

3894. It was narrated that Usaid bin Zuhair said: "Râfi' bin Khadîj came to us and said: 'The Messenger of Allâh ﷺ has forbidden for you *Al-Ḥaql*. *Al-Ḥaql* is the third and the fourth.[1] And *Al-Muzâbanah*. *Al-Muzâbanah* is to buy what is at the top of the date-palm trees in return for a certain number of *Wasqs* of dried dates."[2] (*Ṣaḥîḥ*)

٣٨٩٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: حَدَّثَنَا يَحْيَىٰ - وهُوَ ابْنُ آدَمَ - قَالَ: حَدَّثَنَا مُفَضَّلُ بْنُ مُهَلْهَلٍ عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ أُسَيْدِ بْنِ ظُهَيْرٍ قَالَ: جَاءَنَا رَافِعُ بْنُ خَدِيجٍ فَقَالَ: إِنَّ رَسُولَ اللهِ ﷺ نَهَاكُم عَنِ الْحَقْلِ، وَالْحَقْلُ: الثُّلُثُ وَالرُّبُعُ. وَعَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: شِرَاءُ مَا فِي رُءُوسِ النَّخْلِ بِكَذَا وَكَذَا وَسْقًا مِنْ تَمْرٍ.

تخريج: **[إسناده صحيح]** أخرجه أبو داود، البيوع، باب: في التشديد في ذلك، ح:٣٣٩٨ من حديث منصور به، وهو في الكبرىٰ، ح:٤٥٩٠.

Comments:

The reason for forbidding *Muzâbanah* is that in it there is a greater possibility of a loss for one of the parties. The fruit yet hanging on a tree may or may not equal the fixed quantity of dried fruit. It was forbidden on account of this possibility. (*Muzâbanah* implies the selling of fresh dates for dry dates by measuring them out, and selling raisins for the measure of grapes).

3895. It was narrated that Usaid bin Zuhair said: "Râfi' bin Khadîj came to us and said: 'The Messenger of Allâh ﷺ has forbidden something that was beneficial for us, but obedience to the Messenger of Allâh ﷺ is better for you. He has forbidden *Al-Ḥaql* (renting land in return for one-third or one-quarter of the produce) to you, and says: Whoever has land, let him give it (to someone else to cultivate it) or leave it. And he has forbidden *Al-Muzâbanah*. *Al-Muzâbanah* means when a man has a lot of date-palm trees and another man comes and

٣٨٩٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ مَنْصُورٍ: سَمِعْتُ مُجَاهِدًا يُحَدِّثُ عَنْ أُسَيْدِ بْنِ ظُهَيْرٍ قَالَ: أَتَانَا رَافِعُ بْنُ خَدِيجٍ فَقَالَ: نَهَانَا رَسُولُ اللهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَطَاعَةُ رَسُولِ اللهِ ﷺ خَيْرٌ لَكُمْ، نَهَاكُمْ عَنِ الْحَقْلِ وَقَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَمْنَحْهَا أَوْ لِيَدَعْهَا» وَنَهَى عَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: الرَّجُلُ يَكُونُ لَهُ الْمَالُ الْعَظِيمُ مِنَ النَّخْلِ فَيَجِيءُ الرَّجُلُ فَيَأْخُذُهَا بِكَذَا وَكَذَا وَسْقًا مِنْ تَمْرٍ.

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[1] Meaning the third or fourth of yield paid to lease the land. And it is not clear if this is the explanation of Râfi', or one of the narrators, while it appears – from the various narrations – that it is from Râfi' and is mentioned again.

[2] This definition is similar to *Al-Arâyâ* (see No. 3910) which was an exception.

takes it in return for a certain number of *Wasqs* of dried dates." (*Ṣaḥîḥ*)

تخريج: [إسناده صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٤٥٩١.

3896. It was narrated that Usaid bin Zuhair said: "Râfi' bin Khadîj came to us and I was not sure what he meant. He said: 'The Messenger of Allâh ﷺ has forbidden to you something that used to benefit you, but obedience to the Messenger of Allâh ﷺ is better for you than that which benefits you. The Messenger of Allâh ﷺ has forbidden *Al-Ḥaql* for you. *Al-Ḥaql* means share-cropping the land in return for one-third or one-quarter (of the yield). So whoever has land that he does not need, let him give it to his brother (to cultivate it) or let him leave it. And he has forbidden to you *Al-Muzâbanah*. *Al-Muzâbanah* means when a man has a great number of datepalms and says: Take it in return for (a certain number of) *Wasqs* of dried dates this year.'" (*Ṣaḥîḥ*)

٣٨٩٦ - أَخْبَرَنِي مُحَمَّدُ بْنُ قُدَامَةَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ أُسَيْدِ بْنِ ظُهَيْرٍ قَالَ: أَتَى عَلَيْنَا رَافِعُ بْنُ خَدِيجٍ فَقَالَ: وَلَمْ أَفْهَمْ فَقَالَ: إِنَّ رَسُولَ اللهِ ﷺ نَهَاكُمْ عَنْ أَمْرٍ كَانَ يَنْفَعُكُمْ، وَطَاعَةُ رَسُولِ اللهِ ﷺ خَيْرٌ لَكُمْ مِمَّا يَنْفَعُكُمْ، نَهَاكُمْ رَسُولُ اللهِ ﷺ عَنِ الْحَقْلِ، وَالْحَقْلُ: الْمُزَارَعَةُ بِالثُّلُثِ وَالرُّبُعِ فَمَنْ كَانَ لَهُ أَرْضٌ فَاسْتَغْنَى عَنْهَا، فَلْيَمْنَحْهَا أَخَاهُ أَوْ لِيَدَعْ، وَنَهَاكُمْ عَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: الرَّجُلُ يَجِيءُ إِلَى النَّخْلِ الْكَثِيرِ بِالْمَالِ الْعَظِيمِ فَيَقُولُ: خُذْهُ بِكَذَا وَكَذَا وَسْقًا مِنْ تَمْرِ ذٰلِكَ الْعَامِ.

تخريج: [إسناده صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٤٥٩٢.

3897. Usaid bin Râfi' bin Khadîj said: "Râfi' bin Khadîj said: 'The Messenger of Allâh ﷺ has forbidden something for you that used to be beneficial for us, but obedience to the Messenger of Allâh ﷺ is more beneficial for us. He said: "Whoever has land let him cultivate it, and if he is unable to do so, let him give it to his brother to cultivate." (*Ṣaḥîḥ*)

Abdul-Karîm bin Malik

٣٨٩٧ - أَخْبَرَنِي إِبْرَاهِيمُ بْنُ يَعْقُوبَ بْنِ إِسْحَاقَ قَالَ: حَدَّثَنَا عَفَّانُ قَالَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ عَبْدُ الرَّحْمٰنِ عَنْ مُجَاهِدٍ قَالَ: حَدَّثَنِي أُسَيْدُ بْنُ رَافِعِ بْنِ خَدِيجٍ قَالَ: قَالَ رَافِعُ بْنُ خَدِيجٍ: نَهَاكُمْ رَسُولُ اللهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَطَاعَةُ رَسُولِ اللهِ ﷺ أَنْفَعُ لَنَا قَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا، فَإِنْ عَجَزَ عَنْهَا فَلْيُزْرِعْهَا أَخَاهُ»

contradicted him.[1]

خَالَفَهُ عَبْدُ الْكَرِيمِ بْنُ مَالِكٍ.

تخريج: [إسناده صحيح] تقدم، ح: ٣٨٩٤، وهو في الكبرى، ح: ٤٥٩٣.

Contents:

'He should lend it for cultivation' means if it is lying surplus with him.

3898. It was narrated that Mujâhid said: "I took Ṭâwûs by the hand and brought him to Ibn Râfi' bin Khadîj, and he told him, narrating from his father, that the Messenger of Allâh ﷺ forbade leasing land. Ṭâwûs rejected that and said: 'I heard Ibn 'Abbâs (say) that he did not see anything wrong with that.'" (*Ṣaḥîḥ*)

It was reported by Abû 'Awânah, from Abû Ḥuṣain, from Mujâhid who said: "He said" from Râfi', in *Mursal* form.

٣٨٩٨ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا عُبَيْدُ اللهِ - يَعْنِي ابْنَ عَمْرٍو - عَنْ عَبْدِ الْكَرِيمِ، عَنْ مُجَاهِدٍ قَالَ: أَخَذْتُ بِيَدِ طَاوُسٍ حَتَّى أَدْخَلْتُهُ عَلَى ابْنِ رَافِعِ بْنِ خَدِيجٍ، فَحَدَّثَهُ عَنْ أَبِيهِ عَنْ رَسُولِ اللهِ ﷺ: أَنَّهُ نَهَى عَنْ كِرَاءِ الْأَرْضِ فَأَبَى طَاوُسٌ فَقَالَ: سَمِعْتُ ابْنَ عَبَّاسٍ لَا يَرَىٰ بِذٰلِكَ بَأْسًا. وَرَوَاهُ أَبُو عَوَانَةَ عَنْ أَبِي حَصِينٍ عَنْ مُجَاهِدٍ قَالَ: قَالَ عَنْ رَافِعٍ. مُرْسَلًا.

تخريج: أخرجه مسلم، البيوع، باب الأرض تمنح، ح: ١٥٥٠ من حديث مجاهد به، وهو في الكبرى، ح: ٤٥٩٤.

Comments:

In this narration, he mentioned leasing. That is; renting and for payment of wealth. It differs with forms of sharecropping because the a mount of payment is certain and can be agreed upon. See No. 3904, and 3921, and 3929.

3899. (The previously mentioned chain) from Mujâhid who said: "Râfi' bin Khadîj said: 'The Messenger of Allâh ﷺ forbade us to do something that was beneficial for us, (but we respect and obey the command of the Messenger of Allâh ﷺ.)[2] He forbade us to lease land in return for some of its produce." (*Ṣaḥîḥ*)

٣٨٩٩ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ أَبِي حَصِينٍ، عَنْ مُجَاهِدٍ قَالَ: قَالَ رَافِعُ بْنُ خَدِيجٍ: نَهَانَا رَسُولُ اللهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَأَمْرُ رَسُولِ اللهِ ﷺ عَلَى الرَّأْسِ وَالْعَيْنِ، نَهَانَا أَنْ نَتَقَبَّلَ الْأَرْضَ بِبَعْضِ خَرْجِهَا. تَابَعَهُ إِبْرَاهِيمُ بْنُ مُهَاجِرٍ.

[1] That is: contradicted Sa'eed bin 'Abdur-Raḥmân, both of whom narrated it from Mujâhid, as will be seen in the next chain of narration.

[2] He said an expression interpreted to infer that is based upon the other versions: "The order of the Messenger of Allâh ﷺ is upon the head and the eye." And in this version he mentioned leasing a long with sharecropping as the means of payment. See No. 3904.

Ibrâhîm bin Muhâjir followed him in (narrating) that.

تخريج: [صحيح] أخرجه الترمذي، الأحكام، باب: من المزارعة، ح:١٣٨٤ من حديث أبي حصين به، وهو في الكبرٰى، ح:٤٥٩٥، وانظر، ح:٣٨٩٧ * مجاهد سمعه من أسيد.

3900. It was narrated that Râfi' bin Khadîj said: "The Prophet ﷺ passed by the land of a man from among the Anṣâr who he knew was in need and said: 'Whose is this land?' He said: 'So and so's; he has given it to us in return for rent.' He said: 'Why did he not give it to his brother?'" Râfi' came to the Anṣâr and said: "The Messenger of Allâh ﷺ has forbidden something for you which was beneficial, but obedience to the command of the Messenger of Allâh ﷺ is more beneficial for you." (*Ṣaḥîḥ*)

٣٩٠٠ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ عَنْ عُبَيْدِ اللهِ قَالَ: حَدَّثَنَا إِسْرَائِيلُ عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ مُجَاهِدٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ، قَالَ: مَرَّ النَّبِيُّ ﷺ عَلَىٰ أَرْضِ رَجُلٍ مِنَ الْأَنْصَارِ قَدْ عَرَفَ أَنَّهُ مُحْتَاجٌ فَقَالَ: «لِمَنْ هٰذِهِ الْأَرْضُ؟» قَالَ: لِفُلَانٍ، أَعْطَانِيهَا بِالْأَجْرِ فَقَالَ: «لَوْ مَنَحَهَا أَخَاهُ» فَأَتَىٰ رَافِعٌ الْأَنْصَارَ فَقَالَ: إِنَّ رَسُولَ اللهِ ﷺ نَهَاكُمْ عَنْ أَمْرٍ كَانَ لَكُمْ نَافِعًا وَطَاعَةُ رَسُولِ اللهِ ﷺ أَنْفَعُ لَكُمْ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٤٥٩٦.

3901. It was narrated that Râfi' bin Khadîj said: "The Messenger of Allâh ﷺ forbade *Al-Ḥaql* (renting land in return for one-third or one-quarter of the produce)." (*Ṣaḥîḥ*)

٣٩٠١ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَمُحَمَّدُ ابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا شُعْبَةُ عَنِ الْحَكَمِ عَنْ مُجَاهِدٍ عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْحَقْلِ.

تخريج: [صحيح] تقدم، ح:٣٨٩٩، وهو في الكبرٰى، ح:٤٥٩٧.

3902. Râfi' bin Khadîj said: "The Messenger of Allâh ﷺ came out to us and forbade something for us that had been beneficial for us. He said: 'Whoever has land, let him cultivate it or give it to someone else (to cultivate), or leave it.'" (*Ṣaḥîḥ*)

٣٩٠٢ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ عَنْ خَالِدٍ - وَهُوَ ابْنُ الْحَارِثِ - قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الْمَلِكِ، عَنْ مُجَاهِدٍ قَالَ: حَدَّثَ رَافِعُ ابْنُ خَدِيجٍ قَالَ: خَرَجَ إِلَيْنَا رَسُولُ اللهِ ﷺ فَنَهَانَا عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا فَقَالَ: «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ يَمْنَحْهَا أَوْ يَذَرْهَا».

تخريج: [صحيح] تقدم، ح:٣٨٩٩، وهو في الكبرٰى، ح:٤٥٩٨.

3903. It was narrated from Țâwûs and Mujâhid, that Râfi' bin Khadîj said: "The Messenger of Allâh ﷺ came out to us and forbade something for us that had been beneficial for us, but the command of Messenger of Allâh ﷺ is better for us. He said: 'Whoever has land, let him cultivate it or leave it or give it (to someone else to cultivate).'" (*Ṣaḥîḥ*)

And among that which proves that Țâwûs did not hear this *Ḥadîth* from Râfi'.

٣٩٠٣ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا حَجَّاجٌ قَالَ: حَدَّثَنِي شُعْبَةُ عَنْ عَبْدِ الْمَلِكِ، عَنْ عَطَاءٍ وَطَاوُسٍ وَمُجَاهِدٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: خَرَجَ إِلَيْنَا رَسُولُ اللهِ ﷺ فَنَهَانَا عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَأَمْرُ رَسُولِ اللهِ ﷺ خَيْرٌ لَنَا قَالَ: «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَذَرْهَا، أَوْ لِيَمْنَحْهَا»

وَمِمَّا يَدُلُّ عَلَىٰ أَنَّ طَاوُسًا لَمْ يَسْمَعْ هٰذَا الْحَدِيثَ مِنْ رَافِعٍ.

تخريج: [صحيح] تقدم، ح:٣٨٩٩، وهو في الكبرٰى، ح:٤٥٩٩.

3904. It was narrated that 'Amr bin Dînâr said: "Țâwûs regarded it disliked renting out land for gold and silver, but he did not see anything wrong with leasing it in return for one-third or one-quarter (of the yield). Mujâhid said to him: 'Go to Ibn Râfi' bin Khadîj and listen to his *Ḥadîth.*' He said: 'By Allâh, if I knew that the Messenger of Allâh ﷺ had forbidden that I would not have done it. But my *Ḥadîth* comes from one who is more knowledgeable than him. Ibn 'Abbâs (said) that the Messenger of Allâh ﷺ said: "If one of you were to give his land to his brother (to cultivate it), that would be better than taking an agreed portion of the yield." (*Ṣaḥîḥ*)

And there is a disagreement among the narrators from 'Ațâ' about this *Ḥadîth*, so 'Abdul-Mâlik bin Maisarah said: "From 'Ațâ', from Râfi'" and we mentioned that

٣٩٠٤ - أَخْبَرَنِي مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: حَدَّثَنَا زَكَرِيَّا بْنُ عَدِيٍّ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: كَانَ طَاوُسٌ يَكْرَهُ أَنْ يُؤَاجِرَ أَرْضَهُ بِالذَّهَبِ وَالْفِضَّةِ وَلَا يَرَى بِالثُّلُثِ وَالرُّبُعِ بَأْسًا فَقَالَ لَهُ مُجَاهِدٌ: اذْهَبْ إِلَى ابْنِ رَافِعِ بْنِ خَدِيجٍ فَاسْمَعْ مِنْهُ حَدِيثَهُ فَقَالَ: إِنِّي وَاللّٰهِ! لَوْ أَعْلَمُ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْهُ مَا فَعَلْتُهُ وَلٰكِنْ حَدَّثَنِي مَنْ هُوَ أَعْلَمُ مِنْهُ، ابْنُ عَبَّاسٍ أَنَّ رَسُولَ اللهِ ﷺ إِنَّمَا قَالَ: «لَأَنْ يَمْنَحَ أَحَدُكُمْ أَخَاهُ أَرْضَهُ خَيْرٌ مِنْ أَنْ يَأْخُذَ عَلَيْهَا خَرَاجًا مَعْلُومًا». وَقَدِ اخْتُلِفَ عَلَىٰ عَطَاءٍ فِي هٰذَا الْحَدِيثِ، فَقَالَ عَبْدُ الْمَلِكِ ابْنُ مَيْسَرَةَ: عَنْ عَطَاءٍ، عَنْ رَافِعٍ، وَقَدْ تَقَدَّمَ ذِكْرُنَا لَهُ، وَقَالَ عَبْدُ الْمَلِكِ بْنُ أَبِي سُلَيْمَانَ: عَنْ عَطَاءٍ، عَنْ جَابِرٍ.

previously. And, 'Abdul-Mâlik bin Abî Sulaimân said: "From 'Aṭâ', from Jâbir:"

تخريج: أخرجه مسلم، البيوع، باب الأرض تمنح، ح:١٥٥٠ من حديث حماد بن زيد، والبخاري، الحرث والمزارعة، باب(١٠)، ح:٢٣٣٠ من حديث عمرو بن دينار به، وهو في الكبرى، ح:٤٦٠٠.

٣٩٠٥ - حَدَّثَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ قَالَ: حَدَّثَنَا عَبْدُ الْمَلِكِ عَنْ عَطَاءٍ، عَنْ جَابِرٍ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ كَانَ لَهُ أَرْضٌ فَلْيَزْرَعْهَا، فَإِنْ عَجَزَ أَنْ يَزْرَعَهَا فَلْيَمْنَحْهَا أَخَاهُ الْمُسْلِمَ وَلَا يُزْرِعْهَا إِيَّاهُ».

3905. It was narrated from 'Aṭâ' from Jâbir, that the Messenger of Allâh ﷺ said: "Whoever has land, let him cultivate it. If he is unable to cultivate it, let him give it to his Muslim brother and not share-crop it with him." (***Ṣaḥîḥ***)

تخريج: أخرجه مسلم، البيوع، باب كراء الأرض، ح:١٥٣٦/٩١ من حديث عبدالملك بن أبي سليمان به، وهو في الكبرى، ح:٤٦٠١.

٣٩٠٦ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَىٰ قَالَ: حَدَّثَنَا عَبْدُ الْمَلِكِ عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا أَخَاهُ وَلَا يُكْرِيهَا». تَابَعَهُ عَبْدُ الرَّحْمٰنِ بْنُ عَمْرٍو الْأَوْزَاعِيُّ.

3906. Jâbir said: The Messenger of Allâh ﷺ said: "Whoever has land, let him cultivate it or give it to his brother, and not lease it to him." (***Ṣaḥîḥ***)

He was followed in (narrating) it by 'Abdur-Raḥmân bin 'Amr Al-Awzâ'î.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٤٦٠٢.

Comments:

'Give it' from *Manaḥ*; which could mean he should lend it to him for one or two years, so that he could acquire some of its produce. The land would continue to remain the property of its original owner. The owner would take it back upon the expiration of the fixed period of time.

٣٩٠٧ - أَخْبَرَنَا هِشَامُ بْنُ عَمَّارٍ عَنْ يَحْيَى بْنِ حَمْزَةَ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: كَانَ لِأُنَاسٍ فُضُولُ أَرْضِينَ يُكْرُونَهَا بِالنِّصْفِ وَالثُّلُثِ وَالرُّبُعِ، فَقَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ

3907. It was narrated that Jâbir said: "Some people had some extra land which they leased out in return for half of the yield, or one-third, or one-quarter. The Messenger of Allâh ﷺ said: 'Whoever has land, let him cultivate it, or give it to his

brother to cultivate or keep it (without cultivating it).'" (*Sahîh*) And Maṭar bin Ṭahmân was in accord with him.

فَلْيَزْرَعْهَا أَوْ يُزْرِعْهَا أَوْ يُمْسِكْهَا». وَافَقَهُ مَطَرُ ابْنُ طَهْمَانَ.

تخريج: أخرجه البخاري، الحرث والمزارعة، باب ما كان من أصحاب النبي ﷺ يواسي بعضهم بعضًا في الزراعة والثمر، ح:٢٣٤٠، ومسلم، البيوع، باب كراء الأرض، ح:١٥٣٦/ ٨٩ قبل، ح:١٥٤٤ من حديث الأوزاعي به، وهو في الكبرٰى، ح:٤٦٠٣.

3908. It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ addressed us and said: 'Whoever has land, let him cultivate it or give it to someone else to cultivate, and let him not rent it out.'" (*Sahîh*)

٣٩٠٨ - أَخْبَرَنَا عِيسَى بْنُ مُحَمَّدٍ - وَهُوَ أَبُو عُمَيْرِ بْنُ النَّحَّاسِ - وَعِيسَى بْنُ يُونُسَ - هُوَ الْفَاخُورِيُّ - قَالَا: حَدَّثَنَا ضَمْرَةُ عَنِ ابْنِ شَوْذَبٍ، عَنْ مَطَرٍ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: خَطَبَنَا رَسُولُ اللهِ ﷺ فَقَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيُزْرِعْهَا وَلَا يُؤَاجِرْهَا».

تخريج: أخرجه مسلم، ح:١٥٣٦/ ٨٨، انظر الحديث السابق من حديث مطر بن طهمان الوراق به، وهو في الكبرٰى، ح:٤٦٠٤ * عطاء هو ابن أبي رباح المكي، وابن شوذب هو عبدالله، وضمرة هو ابن ربيعة.

3909. It was narrated from Jâbir who attributed it to the Prophet ﷺ: "That he forbade leasing out land." (*Sahîh*)

'Abdul-Mâlik bin 'Abdul-'Azîz bin Juraij was in accord with him in (narrating) the prohibition of leasing land.

٣٩٠٩ - أَخْبَرَنِي مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ عَنْ يُونُسَ: حَدَّثَنَا حَمَّادٌ عَنْ مَطَرٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ رَفَعَهُ: نَهَىٰ عَنْ كِرَاءِ الْأَرْضِ. وَافَقَهُ عَبْدُ الْمَلِكِ بْنُ عَبْدِ الْعَزِيزِ بْنِ جُرَيْجٍ عَلَى النَّهْيِ عَنْ كِرَاءِ الْأَرْضِ.

تخريج: أخرجه مسلم، ح:١٥٣٦/ ٨٧ (انظر الحديثين السابقين) من حديث حماد بن زيد به، وهو في الكبرٰى، ح:٤٦٠٥.

Comments:

There are two types of rental agreements: A fixed sum of money, or a fixed share of a fixed produce; for instance, one-half, one-third, or one-fourth, etc. In common practice, the former is called rental or lease, and the latter sharecropping.

3910. It was narrated from Jâbir that the Prophet ﷺ forbade *Al-*

٣٩١٠ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا الْمُفَضَّلُ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ وَأَبِي

Mukhâbarah,[1] Al-Muzâbanah[2] and Al-Muhâqalah,[3] and selling fruit until it is fit to eat (ripe enough), except in the case of Al-'Arâyâ.[4] (Sahîh)

Yûnus bin 'Ubaid followed him (in narrating).

الزُّبَيْرِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْمُخَابَرَةِ وَالْمُزَابَنَةِ وَالْمُحَاقَلَةِ وَبَيْعِ الثَّمَرِ حَتَّى يُطْعَمَ إِلَّا الْعَرَايَا. تَابَعَهُ يُونُسُ بْنُ عُبَيْدٍ.

تخريج: أخرجه البخاري، المساقاة، باب الرجل يكون له ممر أو شرب في حائط أو في نخل، ح:٢٣٨١، ومسلم، البيوع، باب النهي عن المحاقلة والمزابنة، وعن المخابرة ... إلخ، ح:١٥٣٦/ ٨١، ٨٢ بعد، ح:١٥٤٣ من حديث ابن جريج به، وهو في الكبرى، ح:٤٦٠٦.

3911. It was narrated from Jâbir that the Prophet ﷺ forbade *Al-Muhâqalah*, *Al-Muzâbanah*, *Al-Mukhâbarah* and exceptions when selling, unless they were well-defined. (*Hasan*)

And in the narration of Hammâm bin Yahya is what acts as the proof that 'Atâ' did not hear Jâbir's *Hadîth* from the Prophet ﷺ: "Whoever has land, then let him cultivate it".

٣٩١١ - أَخْبَرَنِي زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ حُسَيْنٍ قَالَ: حَدَّثَنَا يُونُسُ بْنُ عُبَيْدٍ عَنْ عَطَاءٍ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنِ الْمُحَاقَلَةِ، وَالْمُزَابَنَةِ، وَالْمُخَابَرَةِ، وَعَنِ الثُّنْيَا إِلَّا أَنْ تُعْلَمَ.

وَفِي رِوَايَةِ هَمَّامِ بْنِ يَحْيَى كَالدَّلِيلِ عَلَى: أَنَّ عَطَاءً لَمْ يَسْمَعْ مِنْ جَابِرٍ حَدِيثَهُ عَنِ النَّبِيِّ ﷺ «مَنْ كانَ لَهُ أَرْضٌ فَلْيَزْرَعْهَا».

تخريج: [**إسناده حسن**] أخرجه الترمذي، البيوع، باب ماجاء في النهي عن الثنيا، ح:١٢٩٠ عن زياد بن أيوب به، وقال: "حسن صحيح غريب"، وهو في الكبرى، ح:٤٦٠٧.

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[1] A definition follows after No. 3914, and some of them say it is leasing the land for cultivation, while the owner will get whatever is produced from one area of it, and another area is for the cultivator. See the commentary of As-Sindî. In *Fath Al-Bârî* (after No. 2327) Ibn Hajar mentioned the view that *Al-Mukhâbarah* refers to share-cropping when the seeds are supplied by the cultivator, while *Al-Muzâra'ah* refers to share-cropping when the seeds are supplied by the owner of the land.

[2] Selling fresh, as-yet-unharvested and unmeasured dates for a certain measure of dried dates.

[3] Renting land in return for one-third or one-quarter of the produce.

[4] *'Arâyâ* (singular. *'Ariya*): This refers to when the fruits of a designated tree were given as a gift to another person, then the giver was troubled by the recipient's coming to his garden to gather the dates, so he was permitted to buy the fresh dates in return for dried dates.

Comments:

'Exceptions, unless...': For instance, one says at the time of selling the fruit of an orchard that he would take the fruit of its trees for himself, without specifying which trees, such dubious exception could later become a cause of dispute. This is why it was forbidden.

3912. Jâbir narrated that the Messenger of Allâh ﷺ said: "Whoever has land, let him cultivate it or give it to his brother to cultivate, and not lease it to his brother." (*Sahîh*)

And Yazîd bin Nu'aim reported the prohibition from *Al-Muhâlaqah* from Jâbir bin 'Abdullâh.

٣٩١٢ - أَخْبَرَنِي أَحْمَدُ بْنُ يَحْيَىٰ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا هَمَّامُ بْنُ يَحْيَىٰ قَالَ: سَأَلَ عَطَاءٌ سُلَيْمَانَ بْنَ مُوسَى قَالَ: حَدَّثَ جَابِرٌ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيُزْرِعْهَا أَخَاهُ وَلَا يُكْرِيهَا أَخَاهُ».

وَقَدْ رَوَى النَّهْيَ عَنِ الْمُحَاقَلَةِ يَزِيدُ بْنُ نُعَيْمٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ.

تخريج: أخرجه مسلم، البيوع، باب كراء الأرض، ح:١٥٣٦/٩٢ من حديث همام به، وهو في الكبرى، ح:٤٦٠٨.

3913. It was narrated from Jâbir bin 'Abdullâh: "The Prophet ﷺ forbade *Al-Haql* and it is *Al-Muzâbanah*." (*Sahîh*)

Hishâm contradicted him; for he reported it from Yahya, from Abû Salamah, from Jâbir.

٣٩١٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِدْرِيسَ قَالَ: حَدَّثَنَا أَبُو تَوْبَةَ قَالَ: حَدَّثَنَا مُعَاوِيَةُ بْنُ سَلَّامٍ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ يَزِيدَ بْنِ نُعَيْمٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنِ الْحَقْلِ وَهِيَ الْمُزَابَنَةُ. خَالَفَهُ هِشَامٌ، وَرَوَاهُ عَنْ يَحْيَىٰ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ.

تخريج: أخرجه مسلم، ح:١٥٣٦/١٠٣ بعد، ح:١٥٤٤، انظر الحديث السابق من حديث أبي توبة الربيع بن نافع به، وهو في الكبرى، ح:٤٦٠٩ .

3914. It was narrated from Jâbir bin 'Abdullâh that the Prophet ﷺ forbade *Al-Muzâbanah* and *Al-Mukhâdarah*." He (one of the narrators) said: "*Al-Mukhâdarah* means selling fruit before it ripens and *Al-Mukhâbarah* means selling grapes in return for a certain

٣٩١٤ - أَخْبَرَنَا الثِّقَةُ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ مَسْعَدَةَ عَنْ هِشَامِ بْنِ أَبِي عَبْدِ اللهِ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنِ الْمُزَابَنَةِ وَالْمُخَاضَرَةِ وَقَالَ: الْمُخَاضَرَةُ: بَيْعُ الثَّمَرِ قَبْلَ أَنْ يَزْهُوَ

number of *Ṣâ's*." (***Ṣaḥîḥ***)

'Umar bin Abî Salamah contradicted him; he said: "From His father, from Abû Hurairah."

وَالْمُخَابَرَةُ: بَيْعُ الْكَرْمِ بِكَذَا وَكَذَا صَاعًا:

خَالَفَهُ عُمَرُ بْنُ أَبِي سَلَمَةَ فَقَالَ: عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ.

تخريج: [**صحيح**] وهو في الكبرٰى، ح: ٤٦١٠، وللحديث شواهد كثيرة جدًا.

3915 It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade *Al-Muḥâqalah* and *Al-Muzâbanah*. (***Ṣaḥîḥ***)

Muḥammad bin 'Amr contradicted the two of them; so he said: "From Abû Salamah, from Abû Sa'eed."

٣٩١٥ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ.

خَالَفَهُمَا مُحَمَّدُ بْنُ عَمْرٍو فَقَالَ: عَنْ أَبِي سَلَمَةَ عَنْ أَبِي سَعِيدٍ.

تخريج: [**صحيح**] أخرجه أحمد: ٤/ ٤٨٤ عن عبدالرحمٰن بن مهدي به، وهو في الكبرٰى، ح: ٤٦١١ * سفيان هو الثوري، وللحديث شواهد كثيرة جدًا.

3916. It was narrated that Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ forbade *Al-Muḥâqalah* and *Al-Muzâbanah*." (***Ḥasan***)

Al-Aswad bin Al-'Alâ' contradicted all of them; so he said: "From Abû Salamah, from Râfi' bin Khadîj."

٣٩١٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: حَدَّثَنَا يَحْيَىٰ - وَهُوَ ابْنُ آدَمَ - قَالَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: نَهَى رَسُولُ اللهِ ﷺ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ، خَالَفَهُمُ الْأَسْوَدُ بْنُ الْعَلَاءِ فَقَالَ: عَنْ أَبِي سَلَمَةَ عَنْ رَافِعِ بْنِ خَدِيجٍ.

تخريج: [**إسناده حسن**] أخرجه أحمد: ٣/ ٦٧ من حديث محمد بن عمرو الليثي به، وهو في الكبرٰى، ح: ٤٦١٢ * عبدالرحيم هو ابن سليمان.

3917. It was narrated from Râfi' bin Khadîj that the Messenger of Allâh ﷺ forbade *Al-Muḥâqalah* and *Al-Muzâbanah*. (***Ḥasan***)

Al-Qâsim bin Muḥammad

٣٩١٧ - أَخْبَرَنَا زَكَرِيَّا بْنُ يَحْيَىٰ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ حُمْرَانَ قَالَ: حَدَّثَنَا عَبْدُ الْحَمِيدِ

reported it from Râfi‘ bin Khadîj.

ابْنُ جَعْفَرٍ عَنِ الْأَسْوَدِ بْنِ الْعَلَاءِ، عَنْ أَبِي سَلَمَةَ، عَنْ رَافِعِ بْنِ خَدِيجٍ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ. رَوَاهُ الْقَاسِمُ بْنُ مُحَمَّدٍ عَنْ رَافِعِ بْنِ خَدِيجٍ.

تخريج: [إسناده حسن] وهو في الكبرٰى، ح:٤٦١٣.

3918. It was narrated from ‘Uthmân bin Murrah who said: “I asked Al-Qâsim about *Al-Muzâra‘ah*, so he narrated from Râfi‘ bin Khadîj that the Messenger of Allâh ﷺ forbade *Al-Muhâqalah* and *Al-Muzâbanah*.” (***Hasan***)

Abû ‘Abdur-Rahmân (An-Nasâ’î) said: Another time.[1]

٣٩١٨ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا أَبُو عَاصِمٍ قَالَ: حَدَّثَنَا عُثْمَانُ بْنُ مُرَّةَ قَالَ: سَأَلْتُ الْقَاسِمَ عَنِ الْمُزَارَعَةِ، فَحَدَّثَ عَنْ رَافِعِ بْنِ خَدِيجٍ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ.

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: مَرَّةً أُخْرَى.

تخريج: [إسناده حسن] وهو في الكبرٰى، ح:٤٦١٤ * القاسم هو ابن محمد بن أبي بكر الصديق، وأبوعاصم هو الضحاك بن مخلد.

3919. Râfi‘ bin Khadîj said that the Messenger of Allâh ﷺ forbade leasing land. (***Hasan***)

And there is some disagreement in what is narrated from Sa‘eed bin Al-Musayyab on it.

٣٩١٩ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: قَالَ أَبُو عَاصِمٍ: عَنْ عُثْمَانَ بْنِ مُرَّةَ قَالَ: سَأَلْتُ الْقَاسِمَ عَنْ كِرَاءِ الْأَرْضِ فَقَالَ: قَالَ رَافِعُ بْنُ خَدِيجٍ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ كِرَاءِ الْأَرْضِ.

وَاخْتُلِفَ عَلَىٰ سَعِيدِ بْنِ الْمُسَيَّبِ فِيهِ.

تخريج: [إسناده حسن] انظر الحديث السابق، وهو في الكبرٰى، ح:٤٦١٥.

3920. It was narrated that Abû Ja‘far Al-Khatmî – whose name was ‘Umair bin Yazîd – said: “My paternal uncle sent me with a slave of his, to Sa‘eed bin Al-Musayyab to ask him about *Al-Muzâra‘ah*. He

٣٩٢٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا يَحْيَى عَنْ أَبِي جَعْفَرٍ الْخَطْمِيِّ - وَاسْمُهُ عُمَيْرُ بْنُ يَزِيدَ - قَالَ: أَرْسَلَنِي عَمِّي وَغُلَامًا لَهُ إِلَىٰ سَعِيدِ بْنِ الْمُسَيَّبِ أَسْأَلُهُ عَنِ

[1] That is, on another occasion the same Shaikh narrated the same chain of narration to him, but with the wordings that follow.

الْمُزَارَعَةِ، فَقَالَ: كَانَ ابْنُ عُمَرَ لَا يَرَىٰ بِهَا بَأْسًا حَتَّى بَلَغَهُ عَنْ رَافِعِ بْنِ خَدِيجٍ حَدِيثٌ فَلَقِيَهُ، فَقَالَ رَافِعٌ: أَتَى النَّبِيُّ ﷺ بَنِي حَارِثَةَ فَرَأَى زَرْعًا فَقَالَ: «مَا أَحْسَنَ زَرْعَ ظُهَيْرٍ» فَقَالُوا: لَيْسَ لِظُهَيْرٍ فَقَالَ: «أَلَيْسَ أَرْضُ ظُهَيْرٍ؟» قَالُوا: بَلَىٰ وَلٰكِنَّهُ أَزْرَعَهَا فَقَالَ رَسُولُ اللهِ ﷺ: «خُذُوا زَرْعَكُمْ وَرُدُّوا إِلَيْهِ نَفَقَتَهُ». قَالَ: فَأَخَذْنَا زَرْعَنَا وَرَدَدْنَا إِلَيْهِ نَفَقَتَهُ.

وَرَوَاهُ طَارِقُ بْنُ عَبْدِ الرَّحْمٰنِ عَنْ سَعِيدٍ، وَاخْتُلِفَ عَلَيْهِ فِيهِ.

said: 'Ibn 'Umar did not see anything wrong with it, until he heard the *Hadîth* from Râfi' bin Khadîj. Then he met him, and Râfi' said: "The Prophet ﷺ came to Banu Hârithah and saw some crops. He said: 'How good are the crops of Zuhair.' They said: 'It is not Zuhair's, and he said: 'Is the land not Zuhair's?' They said: 'No (it is not his), rather he is leasing it.' The Messenger of Allâh ﷺ said: 'Take your crops and give him what he spent.' So we took our crops, and gave him what he had spent." (*Sahîh*)

Târiq bin 'Abdur-Rahmân reported it from Sa'eed, and there is disagreement in what is narrated from him.

تخريج: [إسناده صحيح] أخرجه أبو داود، البيوع، باب: في التشديد في ذلك، ح:٣٣٩٩ من حديث يحيى بن سعيد القطان به، وهو في الكبرى، ح:٤٦١٦.

٣٩٢١ - **أَخْبَرَنَا** قُتَيْبَةُ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ طَارِقٍ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ وَقَالَ: «إِنَّمَا يَزْرَعُ ثَلَاثَةٌ: رَجُلٌ لَهُ أَرْضٌ فَهُوَ يَزْرَعُهَا، أَوْ رَجُلٌ مُنِحَ أَرْضًا فَهُوَ يَزْرَعُ مَا مُنِحَ، أَوْ رَجُلٌ اسْتَكْرَى أَرْضًا بِذَهَبٍ أَوْ فِضَّةٍ»

مَيَّزَهُ إِسْرَائِيلُ عَنْ طَارِقٍ فَأَرْسَلَ الْكَلَامَ الْأَوَّلَ، وَجَعَلَ الْأَخِيرَ مِنْ قَوْلِ سَعِيدٍ.

3921. It was narrated that Râfi' bin Khadîj said: "The Messenger of Allâh ﷺ forbade *Al-Muhâqalah* and *Al-Muzâbanah*, and said: 'Only three may cultivate: A man who has land which he cultivates; a man who was given some land and cultivates what he was given; and a man who takes land on lease for gold or silver.'" (***Hasan***)

Isrâ'îl narrated it in a distinct manner from Târiq, so he narrated the statement in *Mursal* form first, and later, as a statement of Sa'eed.

تخريج: [إسناده حسن] أخرجه أبو داود، ح:٣٤٠٠، انظر الحديث السابق، وابن ماجه، الرهون، باب المزارعة بالثلث والربع، ح:٢٤٤٩ من حديث أبي الأحوص به، وهو في الكبرى، ح:٤٦١٧ * طارق هو ابن عبدالرحمٰن، ووثقه الجمهور.

3922. It was narrated that Sa'eed said: "The Messenger of Allâh ﷺ forbade *Al-Muhâqalah*." Sa'eed said: "And he narrated something similar." And Sufyân Ath-Thawrî reported it from Ţâriq: (***Hasan***)

٣٩٢٢ - أَخْبَرَنَا أَحْمَدُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُوسَى قَالَ: أَخْبَرَنَا إِسْرَائِيلُ عَنْ طَارِقٍ، عَنْ سَعِيدٍ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُحَاقَلَةِ، قَالَ سَعِيدٌ: فَذَكَرَهُ نَحْوَهُ.

رَوَاهُ سُفْيَانُ الثَّوْرِيُّ عَنْ طَارِقٍ.

تخريج: [**إسناده حسن**] انظر الحديث السابق، وهو في الكبرٰى، ح:٤٦١٨.

3923. It was narrated that Târiq said: "I heard Sa'eed bin Al-Musayyab say: 'Cultivating land is not allowed except in three cases: Land which one owns, land which is given to one, or land which one rents in return for gold and silver.'" (***Hasan***)

And Az-Zuhrî reported the first statement from Sa'eed, narrating it in *Mursal* form.

٣٩٢٣ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَلِيٍّ - وَهُوَ ابْنُ مَيْمُونٍ - قَالَ: حَدَّثَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ طَارِقٍ قَالَ: سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ يَقُولُ: لَا يُصْلِحُ الزَّرْعَ غَيْرُ ثَلَاثٍ: أَرْضٍ يَمْلِكُ رَقَبَتَهَا، أَوْ مِنْحَةٍ، أَوْ أَرْضٍ بَيْضَاءَ يَسْتَأْجِرُهَا بِذَهَبٍ أَوْ فِضَّةٍ.

وَرَوَى الزُّهْرِيُّ الْكَلَامَ الْأَوَّلَ عَنْ سَعِيدٍ فَأَرْسَلَهُ.

تخريج: [**إسناده حسن**] انظر الحديثين السابقين، وهو في الكبرٰى، ح:٤٦١٩ * سفيان هو الثوري، ومحمد هو ابن يوسف الفريابي.

3924. It was narrated from Sa'eed bin Al-Musayyab that the Messenger of Allâh ﷺ forbade *Al-Muhâqalah* and *Al-Muzâbanah*. (***Sahîh***)

And Muhammd bin 'Abdur-Rahmân bin Labîbah reported it from Sa'eed bin Al-Musayyab; so he said: "From Sa'd bin Abî Waqqâs."

٣٩٢٤ - قَالَ الْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ الْقَاسِمِ قَالَ: حَدَّثَنِي مَالِكٌ عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ.

وَرَوَاهُ مُحَمَّدُ بْنُ عَبْدِ الرَّحْمٰنِ بْنِ لَبِيبَةَ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ فَقَالَ: عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ.

تخريج: [**صحيح**]وهو في الموطأ (يحيى):٢/ ٦٢٥، والكبرٰى، ح:٤٦٢٠، ٤٦٢١، وللحديث شواهد، منها الحديث المتقدم:٣٩٢١.

3925. It was narrated that Sa'd bin Abî Waqqâs said: "At the time of

٣٩٢٥ - أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ سَعْدِ بْنِ

the Messenger of Allâh ﷺ landowners used to lease their arable land in return for whatever grew on the banks of the streams used for irrigation. They came to the Messenger of Allâh ﷺ and referred a dispute concerning such matters to him, and the Messenger of Allâh ﷺ forbade them to lease land on such terms, and said: 'Lease it for gold or silver.'" (*Da'îf*)
And Sulaimân reported this *Hadîth* from Râfi', so he said: "From a man among his paternal uncles: –

إِبْرَاهِيمَ قَالَ: حَدَّثَنِي عَمِّي قَالَ: حَدَّثَنَا أَبِي عَنْ مُحَمَّدِ بْنِ عِكْرِمَةَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ بْنِ لَبِيبَةَ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ قَالَ: كَانَ أَصْحَابُ الْمَزَارِعِ يُكْرُونَ فِي زَمَانِ رَسُولِ اللهِ ﷺ مَزَارِعَهُمْ بِمَا يَكُونُ عَلَى السَّاقِي مِنَ الزَّرْعِ، فَجَاءُوا رَسُولَ اللهِ ﷺ فَاخْتَصَمُوا فِي بَعْضِ ذٰلِكَ، فَنَهَاهُمْ رَسُولُ اللهِ ﷺ أَنْ يُكْرُوا بِذٰلِكَ، وَقَالَ: «أَكْرُوا بِالذَّهَبِ وَالْفِضَّةِ» وَقَدْ رَوَى هٰذَا الْحَدِيثَ سُلَيْمَانُ عَنْ رَافِعٍ، فَقَالَ: عَنْ رَجُلٍ مِنْ عُمُومَتِهِ.

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيوع، باب: في المزارعة، ح:٣٣٩١ من حديث إبراهيم بن سعد به، وهو في الكبرٰى، ح:٤٦٢٢، وللحديث شواهد كثيرة، انظر الحديث السابق * عم عبيدالله هو يعقوب بن إبراهيم بن سعد، ومحمد بن عكرمة هو ابن عبدالرحمٰن بن الحارث بن هشام، ولم يوثقه غير ابن حبان.

3926. It was narrated that Râfi' bin Khadîj said: "At the time of the Messenger of Allâh ﷺ we used to lease land on the basis of *Al-Muhâqalah*, so we would lease it in return for one-third or one-quarter of the yield, or a specified amount of food (produce). One day, a man among my paternal uncles came and said: 'The Messenger of Allâh ﷺ has forbidden me to do something that was beneficial for us, but obedience to Allâh and His Messenger is more beneficial for us. He has forbidden us to lease land on the basis of *Al-Muhâqalah* and to lease it in return for one-third or one-quarter of the yield, and for a specific amount of food

٣٩٢٦ - أَخْبَرَنِي زِيَادُ بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ قَالَ: أَخْبَرَنَا أَيُّوبُ عَنْ يَعْلَى ابْنِ حَكِيمٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ رَافِعِ ابْنِ خَدِيجٍ قَالَ: كُنَّا نُحَاقِلُ بِالْأَرْضِ عَلَى عَهْدِ رَسُولِ اللهِ ﷺ فَنُكْرِيهَا بِالثُّلُثِ وَالرُّبُعِ وَالطَّعَامِ الْمُسَمَّى، فَجَاءَ ذَاتَ يَوْمٍ رَجُلٌ مِنْ عُمُومَتِي فَقَالَ: نَهَانِي رَسُولُ اللهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَطَوَاعِيَةُ اللهِ وَرَسُولِهِ أَنْفَعُ لَنَا، نَهَانَا أَنْ نُحَاقِلَ بِالْأَرْضِ، وَنُكْرِيهَا بِالثُّلُثِ وَالرُّبُعِ وَالطَّعَامِ الْمُسَمَّى، وَأَمَرَ رَبَّ الْأَرْضِ أَنْ يَزْرَعَهَا، أَوْ يُزْرِعَهَا، وَكَرِهَ كِرَاءَهَا وَمَا سِوَى ذٰلِكَ». أَيُّوبُ لَمْ يَسْمَعْهُ مِنْ يَعْلَى.

(produce). And he commanded the landowner to cultivate it (himself) or to give it to someone else to cultivate. He did not like leasing it or anything else.'" (*Ṣaḥîḥ*)

Ayyûb (one of the narrators) did not hear from Ya'la.

تخريج: أخرجه مسلم، البيوع، باب كراء الأرض بالطعام، ح:١٥٤٨/١١٣ من حديث إسماعيل ابن علية به، وهو في الكبرى، ح:٤٦٢٣، وأخرجه البخاري من حديث رافع به، كما سيأتي، ح:٣٩٢٩.

٣٩٢٧ - أَخْبَرَنَا زَكَرِيَّا بْنُ يَحْيَى قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ قَالَ: كَتَبَ إِلَيَّ يَعْلَى بْنُ حَكِيمٍ أَنِّي سَمِعْتُ سُلَيْمَانَ بْنَ يَسَارٍ يُحَدِّثُ عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: «كُنَّا نُحَاقِلُ الْأَرْضَ نُكْرِيهَا بِالثُّلُثِ وَالرُّبُعِ وَالطَّعَامِ الْمُسَمَّى» رَوَاهُ سَعِيدٌ عَنْ يَعْلَى بْنِ حَكِيمٍ.

3927. It was narrated from Ayyûb who said: "Ya'la bin Al-Ḥakîm wrote to me (saying): 'I heard Sulaimân bin Yasâr narrating from Râfi' bin Khadîj, who said: "We used to lease land on the basis of *Al-Muḥâqalah*, leasing it in return for one-third or one-quarter of the yield, and a specified amount of food (produce). (*Ṣaḥîḥ*)

(And) Sa'eed reported it from Ya'la bin Ḥakîm.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٤٦٢٤.

٣٩٢٨ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ عَنْ سَعِيدٍ، عَنْ يَعْلَى بْنِ حَكِيمٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ أَنَّ رَافِعَ بْنَ خَدِيجٍ قَالَ: كُنَّا نُحَاقِلُ عَلَى عَهْدِ رَسُولِ اللهِ ﷺ، فَزَعَمَ أَنَّ بَعْضَ عُمُومَتِهِ أَتَاهُمْ فَقَالَ: نَهَانِي رَسُولُ اللهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَطَوَاعِيَةُ اللهِ وَرَسُولِهِ أَنْفَعُ لَنَا، قُلْنَا: وَمَا ذَاكَ؟ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا، أَوْ لِيُزْرِعْهَا أَخَاهُ، وَلَا يُكَارِيهَا بِثُلُثٍ وَلَا رُبُعٍ

3928. It was narrated that Râfi' bin Khadîj said: "We used to lease land on the basis of *Al-Muḥâqalah* during the time of the Messenger of Allâh ﷺ." He said that one of his paternal uncles came to them and said: "The Messenger of Allâh ﷺ has forbidden me to do something that was beneficial for us, but obedience to Allâh and His Messenger is more beneficial." We said: "What is that?" He said: "The Messenger of Allâh ﷺ said: "Whoever has land, let him cultivate it (himself) or give it to his brother to cultivate, and not lease it

وَلَا طَعَامٍ مُسَمًّى» رَوَاهُ حَنْظَلَةُ بْنُ قَيْسٍ عَنْ رَافِعٍ فَاخْتُلِفَ عَلَى رَبِيعَةَ فِي رِوَايَتِهِ.

in return for one-third or one-quarter of the yield nor a specified amount of food (produce)." (*Ṣaḥîḥ*)
Ḥanẓalah bin Qais reported it from Râfi'; and there is a difference over Rabî'ah's narration of it.

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح:٤٦٢٥.

٣٩٢٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: حَدَّثَنَا حُجَيْنُ بْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمٰنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: حَدَّثَنِي عَمِّي: أَنَّهُمْ كَانُوا يُكْرُونَ الْأَرْضَ عَلَى عَهْدِ رَسُولِ اللهِ ﷺ بِمَا يَنْبُتُ عَلَى الْأَرْبِعَاءِ وَشَيْءٍ مِنَ الزَّرْعِ يَسْتَثْنِي صَاحِبُ الْأَرْضِ، فَنَهَانَا رَسُولُ اللهِ ﷺ عَنْ ذٰلِكَ، فَقُلْتُ لِرَافِعٍ: فَكَيْفَ كِرَاؤُهَا بِالدِّينَارِ وَالدِّرْهَمِ؟ فَقَالَ رَافِعٌ: لَيْسَ بِهَا بَأْسٌ بِالدِّينَارِ وَالدِّرْهَمِ. خَالَفَهُ الْأَوْزَاعِيُّ.

3929. It was narrated that Râfi' bin Khadîj said: "My paternal uncle told me that they used to lease land at the time of the Messenger of Allâh ﷺ in return for what grew on the banks of the streams, and a share of the crop stipulated by the owner of the land. But the Messenger of Allâh ﷺ forbade us to do that." I (Ḥanẓalah) said to Râfi': "How about leasing it in return for *Dînârs* and *Dirhams*?" Râfi' said: "There is nothing wrong with (leasing it) for *Dînârs* and *Dirhams*." (*Ṣaḥîḥ*)
Al-Awzâ'î differed with him.

تخريج: أخرجه البخاري، الحرث والمزارعة، باب كراء الأرض بالذهب والفضة، ح:٢٣٤٦، ٢٣٤٧ من حديث الليث بن سعد، ومسلم، البيوع، باب كراء الأرض بالذهب والورق، ح:١٥٤٧/ ١١٥ بعد، ح:١٥٤٨ من حديث ربيعة الرأي به، وهو في الكبرى، ح:٤٦٢٦.

٣٩٣٠ - أَخْبَرَنَا الْمُغِيرَةُ بْنُ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا عِيسَى - وَهُوَ ابْنُ يُونُسَ - قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمٰنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ الْأَنْصَارِيِّ قَالَ: سَأَلْتُ رَافِعَ بْنَ خَدِيجٍ عَنْ كِرَاءِ الْأَرْضِ بِالدِّينَارِ وَالْوَرِقِ؟ فَقَالَ: لَا بَأْسَ بِذٰلِكَ، إِنَّمَا كَانَ النَّاسُ عَلَى عَهْدِ رَسُولِ اللهِ ﷺ يُؤَاجِرُونَ عَلَى الْمَاذِيَانَاتِ وَأَقْبَالِ الْجَدَاوِلِ فَيَسْلَمُ هٰذَا وَيَهْلِكُ

3930. It was narrated that Ḥanẓalah bin Qais Al-Anṣâri said: "I asked Râfi' bin Khadîj about leasing land in return for *Dînârs* and silver. He said: 'There is nothing wrong with that. During the time of the Messenger of Allâh ﷺ they used to rent land to one another in return for what grew on the banks of streams and where the springs emerged – some areas of which might give good produce and

هٰذَا وَيَسْلَمُ هٰذَا وَيَهْلِكُ هٰذَا، فَلَمْ يَكُنْ لِلنَّاسِ كِرَاءٌ إِلَّا هٰذَا، فَلِذٰلِكَ زُجِرَ عَنْهُ، فَأَمَّا شَيْءٌ مَعْلُومٌ مَضْمُونٌ فَلَا بَأْسَ بِهِ. وَافَقَهُ مَالِكُ بْنُ أَنَسٍ عَلَى إِسْنَادِهِ، وَخَالَفَهُ فِي لَفْظِهِ.

some might give none at all – and the people did not lease land in any other way. So that was forbidden. But as for leases where the return is known and guaranteed, there is nothing wrong with that.'" (*Ṣaḥîḥ*)

Mâlik bin Anas was in accord with the chain, but he differed in the wordings.

تخريج: أخرجه البخاري، ح:٢٣٤٦ من حديث ربيعة، ومسلم، ح:١٥٤٧/١١٦ من حديث عيسى بن يونس به، (انظر الحديث السابق) وهو في الكبرى، ح:٤٦٢٧.

Comments:

In other words, the cause of prohibition was the existence of oppressive conditions, on account of which the farmers were incurring an absolute loss. They deceptively used to specify for themselves the harvest produced by the fertile portions of the field, while the harvest produced by the infertile and bad portions was thrown to the farmers by way of good riddance.

٣٩٣١ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا مَالِكٌ عَنْ رَبِيعَةَ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ قَالَ: سَأَلْتُ رَافِعَ بْنَ خَدِيجٍ عَنْ كِرَاءِ الْأَرْضِ؟ فَقَالَ: نَهَى رَسُولُ اللهِ ﷺ عَنْ كِرَاءِ الْأَرْضِ، قُلْتُ: بِالذَّهَبِ وَالْوَرِقِ قَالَ: لَا، إِنَّمَا نَهَى عَنْهَا بِمَا تُخْرِجُ الْأَرْضُ مِنْهَا، فَأَمَّا الذَّهَبُ وَالْفِضَّةُ فَلَا بَأْسَ. رَوَاهُ سُفْيَانُ الثَّوْرِيُّ رَضِيَ اللهُ عَنْهُ عَنْ رَبِيعَةَ وَلَمْ يَرْفَعْهُ.

3931. It was narrated that Ḥanẓalah bin Qais said: "I asked Râfi' bin Khadîj about leasing land. He said: 'The Messenger of Allâh ﷺ forbade leasing land.' I said: 'For gold and silver?' He said: 'No, rather he forbade leasing it in return for what the land produces. As for gold and silver, there is nothing wrong with that.'" (*Ṣaḥîḥ*)

Sufyân Ath-Thawrî, may Allâh be pleased with him, reported it from Rabî'ah, but he did not narrate it in *Marfû'* form.

تخريج: أخرجه مسلم من حديث مالك به، (انظر الحديث المتقدم:٣٩٢٩)، وهو في الموطأ (يحيى):٢/٧١١، والكبرى، ح:٤٦٢٩.

٣٩٣٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ عَنْ وَكِيعٍ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ رَبِيعَةَ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ قَالَ: سَأَلْتُ رَافِعَ بْنَ خَدِيجٍ عَنْ كِرَاءِ

3932. It was narrated that Ḥanẓalah bin Qais said: "I asked Râfi' bin Khadîj about leasing uncultivated land in return for gold and silver. He said: '(It is) permissible and there is nothing

wrong with that. That is the due of the land.'" (*Ṣaḥîḥ*)

Yaḥya bin Sa'eed reported it from Ḥanẓalah bin Qais and in *Marfû'* form; just as Mâlik did from Rabî'ah.

الْأَرْضِ الْبَيْضَاءِ بِالذَّهَبِ وَالْفِضَّةِ؟ فَقَالَ: حَلَالٌ لَا بَأْسَ بِهِ، ذٰلِكَ فَرْضُ الْأَرْضِ. رَوَاهُ يَحْيَى بْنُ سَعِيدٍ عَنْ حَنْظَلَةَ بْنِ قَيْسٍ وَرَفَعَهُ، كَمَا رَوَاهُ مَالِكٌ عَنْ رَبِيعَةَ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح: ٤٦٣٠.

3933. It was narrated that Râfi' bin Khadîj said: "The Messenger of Allâh ﷺ forbade us to lease our land. At that time there was no gold nor silver. A man would lease his land in return for what grew on the banks of streams and where the springs emerged, and in return for something specific." (*Ṣaḥîḥ*)

And he quoted the rest of it. Sâlim bin 'Abdullâh bin 'Umar reported it from Râfi' bin Khadîj, and there is a difference over Az-Zuhrî's narration of it.

٣٩٣٣ - أَخْبَرَنَا يَحْيَى بْنُ حَبِيبِ بْنِ عَرَبِيٍّ فِي حَدِيثِهِ عَنْ حَمَّادِ بْنِ زَيْدٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: نَهَانَا رَسُولُ اللهِ ﷺ عَنْ كِرَاءِ أَرْضِنَا، وَلَمْ يَكُنْ يَوْمَئِذٍ ذَهَبٌ وَلَا فِضَّةٌ، فَكَانَ الرَّجُل يُكْرِي أَرْضَهُ بِمَا عَلَى الرَّبِيعِ وَالْأَقْبَالِ وَأَشْيَاءَ مَعْلُومَةٍ. وَسَاقَهُ. رَوَاهُ سَالِمُ بْنُ عَبْدِ اللهِ بْنِ عُمَرَ عَنْ رَافِعِ بْنِ خَدِيجٍ، وَاخْتُلِفَ عَلَى الزُّهْرِيِّ فِيهِ.

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرٰى، ح: ٤٦٣١.

3934. It was narrated from Az-Zuhrî that Sâlim bin 'Abdullâh narrated something similar. (*Ṣaḥîḥ*)

'Uqail bin Khâlid followed him up in that.

٣٩٣٤ - أَخْبَرَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ عَبْدِ اللهِ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ أَسْمَاءَ عَنْ جُوَيْرِيَةَ، عَنْ مَالِكٍ، عَنِ الزُّهْرِيِّ: أَنَّ سَالِمَ بْنَ عَبْدِ اللهِ، وَذَكَرَ نَحْوَهُ. تَابَعَهُ عُقَيْلُ ابْنُ خَالِدٍ.

تخريج: أخرجه البخاري، المغازي، باب(١٢)، ح: ٤٠١٢، ٤٠١٣ عن عبدالله بن محمد بن أسماء به مطولاً، وهو في الكبرٰى، ح: ٤٦٣٢، والموطأ (يحيى): ٢/ ٧١١، وهو متفق عليه من حديث الزهري به، وانظر الحديث الآتي.

3935. Sâlim bin 'Abdullâh narrated that 'Abdullâh bin 'Umar used to lease his land until he heard that Râfi' bin Khadîj forbade leasing land. 'Abdullâh met him

٣٩٣٥ - أَخْبَرَنَا عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ ابْنِ اللَّيْثِ بْنِ سَعْدٍ قَالَ: حَدَّثَنَا أَبِي عَنْ جَدِّي قَالَ: أَخْبَرَنِي عُقَيْلُ بْنُ خَالِدٍ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللهِ: أَنَّ

عَبْدَ اللهِ بْنَ عُمَرَ كَانَ يُكْرِي أَرْضَهُ حَتَّى بَلَغَهُ أَنَّ رَافِعَ بْنَ خَدِيجٍ كَانَ يَنْهَى عَنْ كِرَاءِ الْأَرْضِ، فَلَقِيَهُ عَبْدُ اللهِ فَقَالَ: يَا ابْنَ خَدِيجٍ! مَاذَا تُحَدِّثُ عَنْ رَسُولِ اللهِ ﷺ فِي كِرَاءِ الْأَرْضِ؟ فَقَالَ رَافِعٌ لِعَبْدِ اللَّهِ: سَمِعْتُ عَمَّيَّ وَكَانَا قَدْ شَهِدَا بَدْرًا، يُحَدِّثَانِ أَهْلَ الدَّارِ، أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ، قَالَ عَبْدُ اللَّهِ: فَلَقَدْ كُنْتُ أَعْلَمُ فِي عَهْدِ رَسُولِ اللهِ ﷺ أَنَّ الْأَرْضَ تُكْرَى، ثُمَّ خَشِيَ عَبْدُ اللهِ أَنْ يَكُونَ رَسُولُ اللهِ ﷺ أَحْدَثَ فِي ذٰلِكَ شَيْئًا لَمْ يَكُنْ يَعْلَمُهُ، فَتَرَكَ كِرَاءَ الْأَرْضِ. أَرْسَلَهُ شُعَيْبُ بْنُ أَبِي حَمْزَةَ.

and said: "O Ibn Khadîj, what do you narrate from the Messenger of Allâh ﷺ about leasing land?" Râfi' said to 'Abdullâh: "I heard two of my uncles, who had been present at Badr, telling the people in the house, that the Messenger of Allâh ﷺ forbade leasing land." 'Abdullâh said: "I knew that at the time of the Messenger of Allâh ﷺ land used to be leased." Then 'Abdullâh was concerned that the Messenger of Allâh ﷺ had decreed something and he ('Abdullâh) had not known about it, so he stopped leasing land. (*Ṣaḥîḥ*)

Shu'aib bin Abî Ḥamzah narrated it in *Mursal* form.

تخريج: أخرجه مسلم، البيوع، باب كراء الأرض، ح:١٥٤٧/ ١١٢ عن عبدالملك بن شعيب به، وهو في الكبرى، ح:٤٦٣٣، انظر الحديث السابق.

٣٩٣٦ - **أَخْبَرَنِي** مُحَمَّدُ بْنُ خَالِدِ بْنِ خَلِيٍّ قَالَ: حَدَّثَنَا بِشْرُ بْنُ شُعَيْبٍ عَنْ أَبِيهِ، عَنِ الزُّهْرِيِّ قَالَ: بَلَغَنَا أَنَّ رَافِعَ بْنَ خَدِيجٍ كَانَ يُحَدِّثُ أَنَّ عَمَّيْهِ وَكَانَا - يَزْعُمُ - شَهِدَا بَدْرًا: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ. رَوَاهُ عُثْمَانُ بْنُ سَعِيدٍ عَنْ شُعَيْبٍ، وَلَمْ يَذْكُرْ عَمَّيْهِ.

3936. It was narrated that Az-Zuhrî said: "We heard that Râfi' bin Khadîj used to narrate that his paternal uncles – whom he said had been present at Badr – (said) that the Messenger of Allâh ﷺ forbade leasing land." (*Ṣaḥîḥ*)

'Uthmân bin Sa'eed reported it from Shu'aib, but he did not mention his two uncles.

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح:٤٦٣٤.

٣٩٣٧ - **أَخْبَرَنَا** أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْمُغِيرَةِ قَالَ: حَدَّثَنَا عُثْمَانُ بْنُ سَعِيدٍ عَنْ شُعَيْبٍ، قَالَ الزُّهْرِيُّ: كَانَ ابْنُ الْمُسَيَّبِ يَقُولُ: لَيْسَ بِاسْتِكْرَاءِ الْأَرْضِ بِالذَّهَبِ

3937. It was narrated from Shu'aib: "Az-Zuhrî said: 'Ibn Al-Musayyab used to say: 'There is nothing wrong with leasing land in return for gold and silver, and Râfi' bin Khadîj used to narrate that the Messenger of Allâh ﷺ forbade

that.'" (*Ṣaḥîḥ*)
'Abdul-Karîm bin Al-Ḥârith was in accord in his narrating it in *Mawqûf* form.

وَالْوَرِقِ بَأْسٌ، وَكَانَ رَافِعُ بْنُ خَدِيجٍ يُحَدِّثُ أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ ذٰلِكَ. وَافَقَهُ عَلَى إِرْسَالِهِ عَبْدُ الْكَرِيمِ بْنُ الْحَارِثِ.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٤٦٣٥.

3938. It was narrated from Ibn Shihâb that Râfi' bin Khadîj said: "The Messenger of Allâh ﷺ forbade leasing land." Ibn Shihâb said: "Râfi' was asked after that: 'How did they lease land?' He said: 'In return for a set amount of food (produce), and it was stipulated that we would have whatever grew on the banks of the streams and springs.'" (*Ṣaḥîḥ*)
Nâfi' reported it from Râfi' bin Khadîj, and there are differences over his narration of it.

٣٩٣٨ - قَالَ الْحَارِثُ بْنُ مِسْكِينٍ قِرَاءَةً عَلَيْهِ وَأَنَا أَسْمَعُ عَنِ ابْنِ وَهْبٍ قَالَ: أَخْبَرَنِي أَبُو خُزَيْمَةَ عَبْدُ اللهِ بْنُ طَرِيفٍ عَنْ عَبْدِ الْكَرِيمِ بْنِ الْحَارِثِ، عَنِ ابْنِ شِهَابٍ أَنَّ رَافِعَ بْنَ خَدِيجٍ قَالَ: نَهَى رَسُولُ اللهِ ﷺ عَنْ كِرَاءِ الْأَرْضِ قَالَ ابْنُ شِهَابٍ. فَسُئِلَ رَافِعٌ بَعْدَ ذٰلِكَ، كَيْفَ كَانُوا يُكْرُونَ الْأَرْضَ؟ قَالَ: بِشَيْءٍ مِنَ الطَّعَامِ مُسَمًّى، وَيُشْتَرَطُ أَنَّ لَنَا مَا تُنْبِتُ مَاذِيَانَاتُ الْأَرْضِ وَأَقْبَالُ الْجَدَاوِلِ. رَوَاهُ نَافِعٌ عَنْ رَافِعِ ابْنِ خَدِيجٍ، وَاخْتُلِفَ عَلَيْهِ فِيهِ.

تخريج: [صحيح] تقدم، ح:٣٩٣٦ وغيره، وهو في الكبرٰى، ح:٤٦٣٦.

Comments:

These forms are absolutely forbidden because such conditions fall in the group of oppression or tyranny, and in which there is nothing but utter loss for the farmer.

3939. Râfi' bin Khadîj told 'Abdullâh bin 'Umar that his paternal uncles went to the Messenger of Allâh ﷺ, then they came back and told them that the Messenger of Allâh ﷺ had forbidden leasing arable land. 'Abdullâh said: "We knew that he owned some arable land that he leased at the time of the Messenger of Allâh ﷺ in return for whatever grew on the banks of the streams of water, and for a certain amount of straw, I do not

٣٩٣٩ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ بَزِيعٍ قَالَ: حَدَّثَنَا فُضَيْلٌ قَالَ: حَدَّثَنَا مُوسَى ابْنُ عُقْبَةَ قَالَ: أَخْبَرَنِي نَافِعٌ أَنَّ رَافِعَ بْنَ خَدِيجٍ أَخْبَرَ عَبْدَ اللهِ بْنَ عُمَرَ: أَنَّ عُمُومَتَهُ جَاؤُوا إِلَى رَسُولِ اللهِ ﷺ، ثُمَّ رَجَعُوا فَأَخْبَرُوا أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ كِرَاءِ الْمَزَارِعِ، فَقَالَ عَبْدُ اللّٰهِ: قَدْ عَلِمْنَا أَنَّهُ كَانَ صَاحِبَ مَزْرَعَةٍ يُكْرِيهَا عَلَى عَهْدِ رَسُولِ اللهِ ﷺ، عَلَى أَنَّ لَهُ مَا عَلَى الرَّبِيعِ السَّاقِي الَّذِي

know how much it was." Ibn 'Awn reported it from Nâfi' but he said: "From some of his paternal uncles." (*Ṣaḥîḥ*)

يَتَفَجَّرُ مِنْهُ الْمَاءُ، وَطَائِفَةٌ مِنَ التِّبْنِ لَا أَدْرِي كَمْ هِيَ؟ رَوَاهُ ابْنُ عَوْنٍ عَنْ نَافِعٍ فَقَالَ: عَنْ بَعْضِ عُمُومَتِهِ.

تخريج: [**إسناده صحيح**] تقدم، ح:٣٩٣٤، وهو في الكبرٰى، ح:٤٦٣٧ * فضيل هو ابن سليمان النميري.

Comments:

It is the opinion of Imâm ibn Taymiyyah that 'Abdullâh ibn 'Umar ﷺ considered permissible the form of sharecropping described in this *Ḥadîth*, and he used to practice it, because he was not aware of its prohibition. Later on, he had stopped doing it when Râfi' bin Khadîj informed him about its having been forbidden as is mentioned in *Ḥadîth* 3935.

3940. It was narrated from Nâfi': "Ibn 'Umar used to take rent for some land, then he heard something from Râfi' bin Khadîj. He took me by the hand and went to Râfi', and I was with him. Râfi' narrated to him from some of his paternal uncles, that the Messenger of Allâh ﷺ forbade leasing land, so 'Abdullâh stopped (doing that) afterward." (*Ṣaḥîḥ*)

٣٩٤٠ - أَخْبَرَنَا مُحَمَّدُ بْنُ إِسْمَاعِيلَ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: أَخْبَرَنَا ابْنُ عَوْنٍ عَنْ نَافِعٍ: كَانَ ابْنُ عُمَرَ يَأْخُذُ كِرَاءَ الْأَرْضِ، فَبَلَغَهُ عَنْ رَافِعِ بْنِ خَدِيجٍ شَيْءٌ، فَأَخَذَ بِيَدِي فَمَشَى إِلَى رَافِعٍ وَأَنَا مَعَهُ، فَحَدَّثَهُ رَافِعٌ عَنْ بَعْضِ عُمُومَتِهِ، أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ فَتَرَكَ عَبْدُ اللهِ بَعْدُ.

تخريج: أخرجه مسلم، ح:١١١/١٥٤٧ (انظر الحديث المتقدم: ٣٩٢٦ و٣٩٣٥) من حديث يزيد بن هارون به، وهو في الكبرٰى، ح:٤٦٣٨.

3941. It was narrated from Ibn 'Umar that he used to take rent for land until Râfi' narrated to him, from some of his paternal uncles, that the Messenger of Allâh ﷺ forbade leasing land. So he stopped doing that afterward. (*Ṣaḥîḥ*)

Ayyûb reported it from Nâfi', from Râfi', and he did not mention: "His paternal uncles."

٣٩٤١ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: حَدَّثَنَا إِسْحَاقُ الْأَزْرَقُ قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّهُ كَانَ يَأْخُذُ كِرَاءَ الْأَرْضِ، حَتَّى حَدَّثَهُ رَافِعٌ عَنْ بَعْضِ عُمُومَتِهِ، أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ فَتَرَكَهَا بَعْدُ. رَوَاهُ أَيُّوبُ عَنْ نَافِعٍ، عَنْ رَافِعٍ، وَلَمْ يَذْكُرْ عُمُومَتَهُ.

تخريج: أخرجه مسلم من حديث عبدالله بن عون به، (انظر الحديث السابق) وهو في الكبرى، ح:٤٦٣٩.

٣٩٤٢ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ بَزِيعٍ قَالَ: حَدَّثَنَا يَزِيدُ - وَهُوَ ابْنُ زُرَيْعٍ - قَالَ: حَدَّثَنَا أَيُّوبُ عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ كَانَ يُكْرِي مَزَارِعَهُ حَتَّى بَلَغَهُ فِي آخِرِ خِلَافَةِ مُعَاوِيَةَ، أَنَّ رَافِعَ بْنَ خَدِيجٍ يُخْبِرُ فِيهَا بِنَهْيِ رَسُولِ اللهِ ﷺ، فَأَتَاهُ وَأَنَا مَعَهُ فَسَأَلَهُ فَقَالَ: كَانَ رَسُولُ اللهِ ﷺ يَنْهَى عَنْ كِرَاءِ الْمَزَارِعِ، فَتَرَكَهَا ابْنُ عُمَرَ بَعْدُ، فَكَانَ إِذَا سُئِلَ عَنْهَا قَالَ: زَعَمَ رَافِعُ بْنُ خَدِيجٍ أَنَّ النَّبِيَّ ﷺ نَهَى عَنْهَا. وَافَقَهُ عُبَيْدُ اللهِ بْنُ عُمَرَ وَكَثِيرُ بْنُ فَرْقَدٍ وَجُوَيْرِيَةُ بْنُ أَسْمَاءَ.

3942. It was narrated from Nâfi' that Ibn 'Umar used to lease out his arable land until he heard at the end of Mu'âwiyah's *Khilâfah*, that Râfi' bin Khadîj used to narrate, that the Messenger of Allâh ﷺ had forbidden that. He went to him – and I (Nâfi') was with him – and asked him (about that). He said: "The Messenger of Allâh ﷺ used to forbid leasing arable land." So Ibn 'Umar stopped (doing that) afterward. When he was asked about it he said: "Râfi' bin Khadîj said that the Prophet ﷺ forbade that." (*Sahîh*)

'Ubaidullâh bin 'Umar, Kathîr bin Farqad, and Juwairiyah bin Asmâ' were in accord with him.

تخريج: أخرجه مسلم، البيوع، باب كراء الأرض، ح:١٥٤٧/١٠٩ من حديث يزيد بن زريع، والبخاري، الحرث والمزارعة، باب ما كان من أصحاب النبي ﷺ يواسي بعضهم بعضًا في الزراعة والثمر، ح:٢٣٤٤ من حديث أيوب السختياني به، وهو في الكبرى، ح:٤٦٤٠.

٣٩٤٣ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ ابْنِ عَبْدِ الْحَكَمِ بْنِ أَعْيَنَ قَالَ: حَدَّثَنَا شُعَيْبُ ابْنُ اللَّيْثِ عَنْ أَبِيهِ، عَنْ كَثِيرِ بنِ فَرْقَدٍ، عَنْ نَافِعٍ: أَنَّ عَبْدَ اللهِ بْنَ عُمَرَ كَانَ يُكْرِي الْمَزَارِعَ، فَحُدِّثَ أَنَّ رَافِعَ بْنَ خَدِيجٍ يَأْثُرُ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ نَهَى عَنْ ذٰلِكَ، قَالَ نَافِعٌ: فَخَرَجَ إِلَيْهِ عَلَى الْبَلَاطِ وَأَنَا مَعَهُ فَسَأَلَهُ فَقَالَ: نَعَمْ نَهَى رَسُولُ اللهِ ﷺ عَنْ كِرَاءِ الْمَزَارِعِ، فَتَرَكَ عَبْدُ اللهِ كِرَاءَهَا.

3943. It was narrated from Nâfi' that 'Abdullâh bin 'Umar used to lease arable land, then he was told that Râfi' bin Khadîj narrated from the Messenger of Allâh ﷺ that he forbade that. Nâfi' said: "He went out to him (and met him) in Al-Balâṭ, and I was with him. He asked him (about that), and he said: 'Yes, the Messenger of Allâh ﷺ forbade leasing arable land.' So 'Abdullâh stopped leasing it." (*Sahîh*)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٤٦٤١.

3944. It was narrated from Nâfi': "A man told Ibn 'Umar that Râfi' bin Khadîj had narrated a *Hadîth* concerning leasing of land. He and I, along with the man who had told him that, went to Râfi', and he told us that the Messenger of Allâh ﷺ had forbidden leasing land. So 'Abdullâh stopped leasing land." (*Sahîh*)

٣٩٤٤ - أَخْبَرَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ قَالَ: حَدَّثَنَا خَالِدٌ - وَهُوَ ابْنُ الْحَارِثِ - قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ بْنُ عُمَرَ عَنْ نَافِعٍ: أَنَّ رَجُلًا أَخْبَرَ ابْنَ عُمَرَ أَنَّ رَافِعَ بْنَ خَدِيجٍ يَأْثُرُ فِي كِرَاءِ الْأَرْضِ حَدِيثًا فَانْطَلَقْتُ مَعَهُ أَنَا وَالرَّجُلُ الَّذِي أَخْبَرَهُ حَتَّى أَتَى رَافِعًا، فَأَخْبَرَهُ رَافِعٌ أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ، فَتَرَكَ عَبْدُ اللهِ كِرَاءَ الْأَرْضِ.

تخريج: [**صحيح**] انظر الحديثين السابقين، وهو في الكبرى، ح: ٤٦٤٢.

3945. It was narrated from Nâfi' that Râfi' bin Khadîj told 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ forbade leasing arable land. (*Sahîh*)

٣٩٤٥ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ يَزِيدَ الْمُقْرِىءُ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا جُوَيْرِيَةُ عَنْ نَافِعٍ أَنَّ رَافِعَ بْنَ خَدِيجٍ حَدَّثَ عَبْدَ اللهِ بْنَ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ كِرَاءِ الْمَزَارِعِ.

تخريج: أخرجه البخاري، الإجارة، باب: إذا استأجر أرضًا فمات أحدهما، ح: ٢٢٨٦ من حديث جويرية بن أسماء به، وهو في الكبرى، ح: ٤٦٤٣.

3946. It was narrated from Nâfi' that he narrated: "Ibn 'Umar used to lease his land in return for some of its produce. Then he heard that Râfi' bin Khadîj warned against that. He said: 'The Messenger of Allâh ﷺ forbade that.' He said: 'We used to lease our land before we came to know Râfi'.' Then he (Ibn 'Umar) became unsure, so he put his hand on my shoulder and we went to Râfi'. 'Abdullâh said to him: 'Did you hear the Prophet ﷺ forbid leasing land?' Râfi' said: 'I heard the Prophet ﷺ say: Do not lease land in return for anything." (*Sahîh*)

٣٩٤٦ - أَخْبَرَنَا هِشَامُ بْنُ عَمَّارٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ حَمْزَةَ قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ قَالَ: حَدَّثَنِي حَفْصُ بْنُ غِيَاثٍ عَنْ نَافِعٍ أَنَّهُ حَدَّثَهُ قَالَ: كَانَ ابْنُ عُمَرَ يُكْرِي أَرْضَهُ بِبَعْضِ مَا يَخْرُجُ مِنْهَا، فَبَلَغَهُ أَنَّ رَافِعَ بْنَ خَدِيجٍ يَزْجُرُ عَنْ ذٰلِكَ، وَقَالَ: نَهَى رَسُولُ اللهِ ﷺ عَنْ ذٰلِكَ، قَالَ: كُنَّا نُكْرِي الْأَرْضَ قَبْلَ أَنْ نَعْرِفَ رَافِعًا، ثُمَّ وَجَدَ فِي نَفْسِهِ فَوَضَعَ يَدَهُ عَلَى مَنْكِبِي حَتَّى دُفِعْنَا إِلَى رَافِعٍ، فَقَالَ لَهُ عَبْدُ اللَّهِ: أَسَمِعْتَ النَّبِيَّ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ؟ فَقَالَ رَافِعٌ: سَمِعْتُ النَّبِيَّ ﷺ

يَقُولُ: «لَا تُكْرُوا الْأَرْضَ بِشَيْءٍ».

تخريج: [صحيح] وهو في الكبرٰى، ح:٤٦٤٤ * حفص بن غياث عنعن تقدم، ح:١٦٦٢، وللحديث شواهد.

٣٩٤٧ - أَخْبَرَنَا حُمَيْدُ بْنُ مَسْعَدَةَ عَنْ عَبْدِ الْوَهَّابِ قَالَ: حَدَّثَنَا هِشَامٌ عَنْ مُحَمَّدٍ وَنَافِعٍ أَخْبَرَاهُ عَنْ رَافِعِ بْنِ خَدِيجٍ: أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ. رَوَاهُ ابْنُ عُمَرَ عَنْ رَافِعِ بْنِ خَدِيجٍ، وَاخْتُلِفَ عَلَى عَمْرِو بْنِ دِينَارٍ.

3947. It was narrated from Râfi' bin Khadîj that the Messenger of Allâh ﷺ forbade leasing land. (*Sahîh*)

Ibn 'Umar reported it from Râfi' bin Khadîj, but there is disagreement is (reported from) 'Amr bin Dînâr (for it).

تخريج: [صحيح] وهو في الكبرٰى، ح:٤٦٤٥.

٣٩٤٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ الْمُبَارَكِ قَالَ: أَخْبَرَنَا وَكِيعٌ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: كُنَّا نُخَابِرُ وَلَا نَرَى بِذٰلِكَ بَأْسًا، حَتَّى زَعَمَ رَافِعُ بْنُ خَدِيجٍ أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنِ الْمُخَابَرَةِ.

3948. It was narrated that 'Amr bin Dînâr said: "I heard Ibn 'Umar say: 'We used to sell grain before it was ripe and before it was evident that it was free of disease and blight (by means of *Al-Mukhâbarah*). We did not see anything wrong with that, until Râfi' bin Khadîj said that the Messenger of Allâh ﷺ had forbidden *Al-Mukhâbarah*.'" (*Sahîh*)

تخريج: أخرجه مسلم، البيوع، باب كراء الأرض، ح:١٥٤٧/١٠٧ من حديث سفيان الثوري به، وهو في الكبرٰى، ح:٤٦٤٦.

٣٩٤٩ - أَخْبَرَنِي عَبْدُ الرَّحْمٰنِ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا حَجَّاجٌ قَالَ: قَالَ ابْنُ جُرَيْجٍ: سَمِعْتُ عَمْرَو بْنَ دِينَارٍ يَقُولُ: أَشْهَدُ لَسَمِعْتُ ابْنَ عُمَرَ وَهُوَ يَسْأَلُ عَنِ الْخِبْرِ فَيَقُولُ مَا كُنَّا نَرَى بِذٰلِكَ بَأْسًا، حَتَّى أَخْبَرَنَا عَامَ الْأَوَّلِ ابْنُ خَدِيجٍ، أَنَّهُ سَمِعَ النَّبِيَّ ﷺ يَنْهَى عَنِ الْخِبْرِ. وَافَقَهُمَا حَمَّادُ بْنُ زَيْدٍ.

3949. 'Amr bin Dînâr said: "I bear witness that I heard Ibn 'Umar asking about *Al-Khibr* (the agreement to *Al-Mukhâbarah*) and he said: 'We did not see anything wrong with that, until Ibn Khadîj told us earlier that he heard the Messenger of Allâh ﷺ forbidding *Al-Khibr*.'" Hammâd bin Zaid was in accord with the two of them. (*Sahîh*)

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٤٦٤٧ * حجاج هو ابن محمد الأعور.

Comments:

'The first year': It has preceded in *Hadîth* 3942 that this belongs to the final days of Mu'awiyyah ﷺ. Hence, the first year might probably mean here the first year of the time of Yazid, or the time of Ibn Zubair. And Allâh knows best!

3950. It was narrated that 'Amr bin Dînâr said: "I heard Ibn 'Umar say: 'We did not see anything wrong with *Al-Khibr* until last year, when Râfi' said that the Prophet of Allâh ﷺ forbade it.'" (*Sahîh*)

'Ârim differed with him; so he said: "From Hammâd, from 'Amr, from Jâbir."

٣٩٥٠ - أَخْبَرَنَا يَحْيَى بْنُ حَبِيبِ بْنِ عَرَبِيٍّ عَنْ حَمَّادِ بْنِ زَيْدٍ، عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: كُنَّا لَا نَرَى بِالْخِبْرِ بَأْسًا، حَتَّى كَانَ عَامَ الْأَوَّلِ، فَزَعَمَ رَافِعٌ أَنَّ نَبِيَّ اللهِ ﷺ نَهَى عَنْهُ. خَالَفَهُ عَارِمٌ فَقَالَ: عَنْ حَمَّادٍ، عَنْ عَمْرٍو، عَنْ جَابِرٍ.

تخريج: [صحيح] انظر الحديثين السابقين، وهو في الكبرى، ح:٤٦٤٨.

3951. It was narrated from Jâbir bin 'Abdullâh that the Prophet ﷺ forbade leasing land. (*Sahîh*)

Muhammad bin Muslim At-Tâ'ifi followed him up (in narrating it).

٣٩٥١ - حَدَّثَنَا حَرَمِيُّ بْنُ يُونُسَ قَالَ: حَدَّثَنَا عَارِمٌ قَالَ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ كِرَاءِ الْأَرْضِ. تَابَعَهُ مُحَمَّدُ بْنُ مُسْلِمٍ الطَّائِفِيُّ.

تخريج: [إسناده صحيح] أخرجه أحمد: ٣/ ٣٣٨، ٣٣٩ من حديث حماد بن زيد به، وهو في الكبرى، ح:٤٦٤٩.

3952. It was narrated that Jâbir said: "The Messenger of Allâh ﷺ forbade *Al-Mukhâbarah*, *Al-Muhâqalah* and *Al-Muzâbanah*." (*Hasan*)

Sufyân bin 'Uyainah combined the two *Hadîths*, so he said: "From Ibn 'Umar and Jâbir."

٣٩٥٢ - أَخْبَرَنِي مُحَمَّدُ بْنُ عَامِرٍ قَالَ: حَدَّثَنَا شُرَيْحٌ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرٍ قَالَ: نَهَانِي رَسُولُ اللهِ ﷺ عَنِ الْمُخَابَرَةِ، وَالْمُحَاقَلَةِ، وَالْمُزَابَنَةِ. جَمَعَ سُفْيَانُ بْنُ عُيَيْنَةَ الْحَدِيثَيْنِ فَقَالَ عَنِ ابْنِ عُمَرَ وَجَابِرٍ.

تخريج: [إسناده حسن] وهو في الكبرى، ح:٤٦٥٠، وله شواهد كثيرة، انظر، ح:٣٩٤٨ وغيره * شريح هو ابن النعمان.

3953. It was narrated from Ibn 'Umar and Jâbir that the Messenger of Allâh ﷺ forbade selling fruits until it was clear that they were free of blemish, and (he forbade from) *Al-Mukhâbarah*; leasing land in return for one-third or one-quarter (of the yield)." (*Ṣaḥîḥ*)

Abû An-Najâshî, 'Aṭâ' bin Ṣuhaib reported it, and disagreement is reported from him in it.

٣٩٥٣ - أَخْبَرَنَا عَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ قَالَ: حَدَّثَنَا ابْنُ الْمِسْوَرِ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنِ ابْنِ عُمَرَ وَجَابِرٍ: نَهَى رَسُولُ اللهِ ﷺ عَنْ بَيْعِ الثَّمَرِ حَتَّى يَبْدُوَ صَلَاحُهُ وَنَهَى عَنِ الْمُخَابَرَةِ، كِرَاءِ الْأَرْضِ بِالثُّلُثِ وَالرُّبُعِ. رَوَاهُ أَبُو النَّجَاشِيِّ عَطَاءُ بْنُ صُهَيْبٍ وَاخْتُلِفَ عَلَيْهِ فِيهِ.

تخريج: أخرجه مسلم، البيوع، باب كراء الأرض، ح:٩٣/١٥٣٦ من حديث سفيان بن عيينة به، وهو في الكبرٰى، ح:٤٦٥١، ٤٦٥٢ * عبدالله بن محمد بن عبدالرحمن بن المسور بن مخرمة يروى عن سفيان بن عيينة كما في الكبرٰى وتحفة الأشراف، وقوله: "ثنا ابن المسور" خطأ فليصحح.

3954. Râfi' bin Khadîj narrated that the Messenger of Allâh ﷺ said to Râfi': "Do you rent out your arable land?" I said: "Yes, O Messenger of Allâh. We rent it out in return for one-quarter, and in return for (a number of) *Wasqs* of barley." The Messenger of Allâh ﷺ said: "Do not do that. Cultivate it (yourselves), or lend it, or keep it." (*Ṣaḥîḥ*)

Al-Awzâ'î differed with him; he said: "From Râfi', from Ẓuhair bin Râfi'."

٣٩٥٤ - أَخْبَرَنَا أَبُو بَكْرٍ مُحَمَّدُ بْنُ إِسْمَاعِيلَ الطَّبَرَانِيُّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ بْنُ بَحْرٍ قَالَ: حَدَّثَنَا مُبَارَكُ بْنُ سَعْدٍ قَالَ: حَدَّثَنَا يَحْيَى ابْنُ أَبِي كَثِيرٍ قَالَ: حَدَّثَنِي أَبُو النَّجَاشِيِّ قَالَ: حَدَّثَنِي رَافِعُ بْنُ خَدِيجٍ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ لِرَافِعٍ: «أَتُؤَاجِرُونَ مَحَاقِلَكُمْ»؟ قُلْتُ: نَعَمْ، يَا رَسُولَ اللهِ! نُؤَاجِرُهَا عَلَى الرُّبُعِ وَعَلَى الْأَوْسَاقِ مِنَ الشَّعِيرِ، فَقَالَ رَسُولُ اللهِ ﷺ: «لَا تَفْعَلُوا، ازْرَعُوهَا أَوْ أَعِيرُوهَا أَوْ أَمْسِكُوهَا» خَالَفَهُ الْأَوْزَاعِيُّ فَقَالَ: عَنْ رَافِعٍ، عَنْ ظُهَيْرِ بْنِ رَافِعٍ.

تخريج: أخرجه مسلم، البيوع، باب كراء الأرض بالطعام، ح:١١٤/١٥٤٨ من حديث أبي النجاشي به، وهو في الكبرٰى، ح:٤٦٥٣.

3955. It was narrated that Râfi' said: "Ẓuhair bin Râfi' came to us and said: 'The Messenger of Allâh ﷺ forbade me to do something that was convenient for us.' I said:

٣٩٥٥ - أَخْبَرَنَا هِشَامُ بْنُ عَمَّارٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ حَمْزَةَ قَالَ: حَدَّثَنِي الْأَوْزَاعِيُّ عَنْ أَبِي النَّجَاشِيِّ عَنْ رَافِعٍ قَالَ: أَتَانَا ظُهَيْرُ بْنُ

رَافِعٍ فَقَالَ: نَهَانِي رَسُولُ اللهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا رَافِقًا قُلْتُ: وَمَا ذَاكَ؟ قَالَ: أَمْرُ رَسُولِ اللهِ ﷺ وَهُوَ حَقٌّ، سَأَلَنِي كَيْفَ تَصْنَعُونَ فِي مَحَاقِلِكُمْ؟ قُلْتُ: نُؤَاجِرُهَا عَلَى الرُّبُعِ وَالْأَوْسَاقِ مِنَ التَّمْرِ أَوِ الشَّعِيرِ، قَالَ: «فَلَا تَفْعَلُوا ازْرَعُوهَا أَوْ أَزْرِعُوهَا أَوْ أَمْسِكُوهَا» رَوَاهُ بُكَيْرُ بْنُ عَبْدِ اللهِ بْنِ الْأَشَجِّ عَنْ أُسَيْدِ بْنِ رَافِعٍ فَجَعَلَ الرِّوَايَةَ لِأَخِي رَافِعٍ.

'What was that?' He said: 'The command of the Messenger of Allâh ﷺ is true. He asked me: What do you do with your land? I said: We rent it out in return for one-quarter (of the yield) and a number of *Wasqs* of dates or barley. He said: Do not do that. Cultivate it, give it to someone else to cultivate, or keep it.'" (*Ṣaḥîḥ*)

Bukair bin 'Abdullâh bin AlAshajj reported it from Usaid bin Râfi', and he reported it as a narration of Râfi''s brother.

تخريج: أخرجه مسلم، ح:١٥٤٨/١١٤، انظر الحديث السابق من حديث يحيى بن حمزة، والبخاري، الحرث والمزارعة، باب ما كان من أصحاب النبي ﷺ يواسي بعضهم بعضًا في الزراعة والثمر، ح:٢٣٣٩ من حديث الأوزاعي به، وهو في الكبرٰى، ح:٤٦٥٤.

٣٩٥٦ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: حَدَّثَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ الْمُبَارَكِ عَنْ لَيْثٍ قَالَ: حَدَّثَنِي بُكَيْرُ بْنُ عَبْدِ اللهِ بْنِ الْأَشَجِّ عَنْ أُسَيْدِ بْنِ رَافِعِ بْنِ خَدِيجٍ أَنَّ أَخَا رَافِعٍ قَالَ لِقَوْمِهِ: قَدْ نَهَى رَسُولُ اللهِ ﷺ الْيَوْمَ عَنْ شَيْءٍ كَانَ لَكُمْ رَافِقًا، وَأَمْرُهُ طَاعَةٌ وَخَيْرٌ نَهَى عَنِ الْحَقْلِ.

3956. It was narrated from Usaid bin Râfi' bin Khadîj that the brother of Râfi' said to his people: "Today the Messenger of Allâh ﷺ has forbidden something which was convenient for you, but following his command is an act of obedience (to Allâh) and is good. He forbade *Al-Ḥaql*." (*Ṣaḥîḥ*)

تخريج: **[إسناده صحيح]** وهو في الكبرٰى، ح:٤٦٥٥ * الليث هو ابن سعد.

٣٩٥٧ - أَخْبَرَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ قَالَ: حَدَّثَنَا شُعَيْبُ بْنُ اللَّيْثِ عَنِ اللَّيْثِ، عَنْ حَفْصِ بْنِ رَبِيعَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ هُرْمُزَ قَالَ: سَمِعْتُ أُسَيْدَ بْنَ رَافِعِ بْنِ خَدِيجٍ الْأَنْصَارِيَّ يَذْكُرُ أَنَّهُمْ مَنَعُوا الْمُحَاقَلَةَ، وَهِيَ أَرْضٌ تُزْرَعُ عَلَى بَعْضِ مَا فِيهَا. رَوَاهُ عِيسَى ابْنُ سَهْلِ بْنِ رَافِعٍ.

3957. It was narrated that 'Abdur-Raḥmân bin Hurmuz said: "I heard Usaid bin Râfi' bin Khadîj Al-Anṣârî say that they did not allow *Al-Muḥâqalah*, which is land that is cultivated in return for some of its produce." (*Ṣaḥîḥ*)

'Eîsa bin Sahl bin Râfi' reported it.

تخريج: [إسناده صحيح] انظر الحديث السابق، وهو في الكبرٰى، ح:٤٦٥٦.

٣٩٥٨ - أَخْبَرَنَا مُحَمَّدُ بْنُ حَاتِمٍ قَالَ: أَخْبَرَنَا حِبَّانُ قَالَ: حَدَّثَنَا عَبْدُ اللهِ عَنْ سَعِيدِ ابْنِ يَزِيدَ أَبِي شُجَاعٍ قَالَ: حَدَّثَنِي عِيسَى بْنُ سَهْلِ بْنِ رَافِعِ بْنِ خَدِيجٍ قَالَ: إِنِّي لَيَتِيمٌ فِي حَجْرِ جَدِّي رَافِعِ بْنِ خَدِيجٍ، وَبَلَغْتُ رَجُلًا وَحَجَجْتُ مَعَهُ، فَجَاءَ أَخِي عِمْرَانُ بْنُ سَهْلِ ابْنِ رَافِعِ بْنِ خَدِيجٍ فَقَالَ: يَا أَبَتَاهُ إِنَّهُ قَدْ أَكْرَيْنَا أَرْضَنَا فُلَانَةَ بِمِائَتَيْ دِرْهَمٍ، فَقَالَ: يَا بُنَيَّ! دَعْ ذَاكَ، فَإِنَّ اللهَ عَزَّ وَجَلَّ سَيَجْعَلُ لَكُمْ رِزْقًا غَيْرَهُ، إِنَّ رَسُولَ اللهِ ﷺ قَدْ نَهَى عَنْ كِرَاءِ الْأَرْضِ.

3958. 'Eîsa bin Sahl bin Râfi' bin Khadîj narrated said: "I was an orphan in the care of my grandfather Râfi' bin Khadîj. I reached puberty and became a man, and I performed *Hajj* with him. My brother 'Imrân bin Sahl bin Râfi' bin Khadîj came and said: 'O my father, we have leased our land to so and so (a woman) for two hundred *Dirhams*.' He said: 'O my son, leave that (do not do it), for Allâh will give you other provision. The Messenger of Allâh ﷺ forbade leasing land.'" (*Da'îf*)

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيوع، باب: في التشديد في ذلك، ح:٣٤٠١ من حديث سعيد بن يزيد به، وهو في الكبرٰى، ح:٤٦٥٧، ولأصل الحديث شواهد * عيسى وثقه ابن حبان وحده.

٣٩٥٩ - أَخْبَرَنَا الْحُسَيْنُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ بْنُ إِسْحَاقَ عَنْ أَبِي عُبَيْدَةَ بْنِ مُحَمَّدٍ، عَنِ الْوَلِيدِ بْنِ أَبِي الْوَلِيدِ، عَنْ عُرْوَةَ ابْنِ الزُّبَيْرِ قَالَ: قَالَ زَيْدُ بْنُ ثَابِتٍ: يَغْفِرُ اللهُ لِرَافِعِ بْنِ خَدِيجٍ، أَنَا وَاللّٰهِ! أَعْلَمُ بِالْحَدِيثِ مِنْهُ، إِنَّمَا كَانَا رَجُلَيْنِ اقْتَتَلَا فَقَالَ رَسُولُ اللهِ ﷺ: «إِنْ كَانَ هٰذَا شَأْنُكُمْ فَلَا تُكْرُوا الْمَزَارِعَ». فَسَمِعَ قَوْلَهُ: «لَا تُكْرُوا الْمَزَارِعَ».

قَالَ أَبُو عَبْدِ الرَّحْمٰنِ: كِتَابَةُ مُزَارَعَةٍ عَلَى أَنَّ الْبَذْرَ وَالنَّفَقَةَ عَلَى صَاحِبِ الْأَرْضِ، وَلِلْمُزَارِعِ رُبُعُ مَا يُخْرِجُ اللهُ عَزَّ وَجَلَّ مِنْهَا:

3959. It was narrated that 'Urwah bin Az-Zubair said: "Zaid bin Thâbit said: 'May Allâh forgive Râfi' bin Khadîj. By Allâh, I have more knowledge of the *Hadîth* than him. We were two men who fought and the Messenger of Allâh ﷺ said: If this is how it is between you, then do not lease land. And he only heard the words: Do not lease land.'" (*Hasan*)

Abû 'Abdur-Rahmân (An-Nasâ'î) said: (this is an example of) A sharecropping contract based on the condition that the seeds and expenses be provided by the owner of the land, and the share cropper will have one-quarter of whatever Allâh brings forth from the land:

This contract was written by so and so the son of so and so the son of so and so, while he is still in good health, and in full control of his wealth. (It is addressed to) so and so the son of so and so; stating that you will give me all of your land that is situated in such and such location, in such and such city, to cultivate it on the basis of sharecropping. This is the (piece of) land that is known as such and such, defined by four boundaries that enclose the entire area (he defines the four boundaries). You have given to me all of the land defined in this contract, within the boundaries specified, and everything in it, water, rivers and streams, uncultivated, empty land with no crops planted therein, for a complete year, starting at the beginning of such and such month of such and such year, and ending at the end of such and such month of such and such year, on the basis that I will cultivate all of the land specified in this contract, the location of which is described herein, in the year described herein, from beginning to end. I may cultivate anything I want and see fit of wheat, barley, sesame, rice, cotton, fresh dates, herbs, chickpeas, beans, lentils, cucumbers, melons, carrots, radishes, onions, garlic, and any other kind of winter or summer produce, using your seeds which are all to be provided by you and not by me, on the basis that I will do the work myself, or with

هٰذَا كِتَابٌ كَتَبَهُ فُلَانُ بْنُ فُلَانِ بْنِ فُلَانٍ فِي صِحَّةٍ مِنْهُ وَجَوَازِ أَمْرٍ لِفُلَانِ بْنِ فُلَانٍ إِنَّكَ دَفَعْتَ إِلَيَّ جَمِيعَ أَرْضِكَ الَّتِي بِمَوْضِعِ كَذَا فِي مَدِينَةِ كَذَا مُزَارَعَةً، وَهِيَ الْأَرْضُ الَّتِي تُعْرَفُ بِكَذَا، وَتَجْمَعُهَا حُدُودٌ أَرْبَعَةٌ يُحِيطُ بِهَا كُلِّهَا، وَأَحَدُ تِلْكَ الْحُدُودِ بِأَسْرِهِ لَزِيقُ كَذَا وَالثَّانِي وَالثَّالِثُ والرَّابِعُ، دَفَعْتَ إِلَيَّ جَمِيعَ أَرْضِكَ هٰذِهِ الْمَحْدُودَةِ فِي هٰذَا الْكِتَابِ، بِحُدُودِهَا الْمُحِيطَةِ بِهَا، وَجَمِيعِ حُقُوقِهَا وَشِرْبِهَا وَأَنْهَارِهَا وَسَوَاقِيهَا، أَرْضًا بَيْضَاءَ فَارِغَةً لَا شَيْءَ فِيهَا مِنْ غَرْسٍ وَلَا زَرْعٍ، سَنَةً تَامَّةً أَوَّلُهَا مُسْتَهَلُّ شَهْرِ كَذَا مِنْ سَنَةِ كَذَا، وَآخِرُهَا انْسِلَاخُ شَهْرِ كَذَا مِنْ سَنَةِ كَذَا، عَلَى أَنْ أَزْرَعَ جمِيعَ هٰذِهِ الْأَرْضِ الْمَحْدُودَةِ فِي هٰذَا الْكِتَابِ، الْمَوْصُوفُ مَوضِعُهَا فِيهِ، هٰذِهِ السَّنَةَ الْمُؤَقَّتَةَ فِيهَا مِنْ أَوَّلِها إِلَى آخِرِها، كُلَّ مَا أَرَدْتُ وَبَدَا لِي أَنْ أَزْرَعَ فِيهَا مِنْ حِنْطَةٍ وَشَعِيرٍ وَسَمَاسِمَ وَأُرْزٍ وَأَقْطَانٍ وَرِطَابٍ، وَالْبَاقِلِيٰ وَحِمَّصٍ وَلُوبِيَا وَعَدَسٍ وَمَقَاثِي وَمَبَاطِيخَ وَجَزَرٍ وَشَلْجَمٍ، وَفِجْلٍ وَبَصَلٍ وَثُومٍ وَبُقُولٍ وَرَيَاحِينَ، وَغَيْرِ ذٰلِكَ مِنْ جَمِيعِ الْغَلَّاتِ، شِتَاءً وَصَيْفًا، بِبُزُورِكَ وَبَذْرِكَ، وَجَمِيعُهُ عَلَيْكَ دُونِي، عَلَى أَنْ أَتَوَلَّى ذٰلِكَ بِيَدِي وَبِمَنْ أَرَدْتُ مِنْ أَعْوَانِي وَأُجَرَائِي وَبَقَرِي وَأَدَوَاتِي وَآتِى [إلى] زِراعةِ ذٰلِكَ وَعِمَارَتِهِ وَالعَمَلِ بِمَا فِيهِ نَمَاؤُهُ وَمَصْلَحَتُهُ، وَكِرَابُ أَرْضِهِ وَتَنْقِيَةُ حَشِيشِهَا، وَسَقْيِ مَا

whomever I want of my helpers, and hired workers, my oxen, and my tools, and equipment. I will cultivate it and take care of it so that it will grow well and yield the best produce, plowing the land and clearing it of brush, supplying water and manure to those crops that need them, digging irrigation ditches, picking whatever needs to be picked, harvesting whatever needs to be harvested, gathering it, threshing and winnowing what needs to be threshed and winnowed. All of that will be done at your expense and not mine, and it will be done by me and my helpers, and not by you. From all *that Allâh brings forth from all of* that, during the period specified in this contract, from beginning to end, you will have three quarters in return for you land, your water, your seeds and your spending, and I will have the remaining quarter of all that in return for my cultivation and labor, done by myself and my helpers. You have given me all the land of yours defined in this contract, with all its rights and facilities, and I have accepted all of that from you on such and such a day in such and such a month, of such-and-such a year. All of that has come under my control, but I do not own any of it, and I have no claim to any of it except this sharecropping as described *in this* contract, during the year described therein. Once that time ends, then it all reverts to you and to your control, and you have the right to

يُحْتَاجُ إِلَى سَقْيِهِ مِمَّا زُرِعَ وَتَسْمِيدِ مَا يُحْتَاجُ إِلَى تَسْمِيدِهِ، وَحَفْرِ سَوَاقِيهِ وَأَنْهارِهِ، وَاجْتِنَاءِ مَا يُجْتَنَى مِنْهُ، وَالْقِيامِ بِحَصَادِ مَا يُحْصَدُ مِنْهُ، وَجَمْعِهِ وَدِيَاسَةِ مَا يُدَاسُ مِنْهُ، وَتَذْرِيَتِهِ، بِنَفَقَتِكَ عَلَى ذٰلِكَ كُلِّهِ دُونِي، وَأَعْمَلَ فِيه كُلِّهِ بِيَدِي وَأَعْوَانِي دُونَكَ، عَلَى أَنَّ لَكَ مِنْ جَمِيعِ مَا يُخْرِجُ اللهُ عَزَّ وَجَلَّ مِن ذٰلِكَ كُلِّهِ فِي هٰذِه الْمُدَّةِ الْمَوْصُوفَةِ فِي هٰذَا الْكِتَابِ مِنْ أَوَّلِهَا إِلَى آخِرِها، فَلَكَ ثَلَاثَةُ أَرْبَاعِهِ بِحَظِّ أَرْضِكَ وَشِرْبِكَ وَبَذْرِكَ وَنَفَقَاتِكَ، وَلِيَ الرُّبُعُ الْبَاقِي مِن جَمِيعِ ذٰلِكَ بِزِرَاعَتِي وَعَمَلِي وَقِيَامِي عَلَى ذٰلِكَ بِيَدِي وَأَعْوَانِي، وَدَفَعْتَ إِلَيَّ جَمِيعَ أَرْضِكَ هٰذِهِ الْمَحْدُودَةِ فِي هٰذَا الكِتَابِ بِجَمِيعِ حُقُوقِها وَمَرَافِقِها، وَقَبَضْتُ ذٰلِكَ كُلَّهُ مِنْكَ يَوْمَ كَذا، مِنْ شَهْرِ كَذا مِنْ سَنَةِ كَذَا، فَصَارَ جَمِيعُ ذٰلِكَ فِي يَدِي لَكَ لَا مِلْكَ لِي فِي شَيْءٍ مِنْهُ وَلَا دَعْوَى وَلَا طِلْبَةَ، إِلَّا هٰذِه الْمُزارَعَةَ الْمَوْصُوفَةَ فِي هٰذَا الكِتَابِ فِي هٰذِهِ السَّنَةِ الْمُسَمَّاةِ فِيهِ، فإِذَا انْقَضَتْ فَذٰلِكَ كُلُّهُ مَرْدُودٌ إِلَيْكَ وَإِلَى يَدِكَ، وَلَكَ أَنْ تُخْرِجَنِي بَعْدَ انْقِضَائِهَا مِنْها، وَتُخْرِجَهَا مِنْ يَدِي وَيَدِ كُلِّ مَنْ صَارَتْ لَهُ فِيهَا يَدٌ بِسَبَبِي، أَقَرَّ فُلَانٌ وَفُلَانٌ، وَكُتِبَ هٰذَا الْكِتَابُ نُسْخَتَيْنِ.

expel me from it when that year is over, and to take it out of my control, and out of the control of anyone who had anything to do with it because of me. Signed by so and so and so and so. Two copies were made of this contract.

تخريج: [إسناده حسن] أخرجه أبو داود، البيوع، باب: في المزارعة، ح:٣٣٩٠ من حديث عبدالرحمن بن إسحاق المدني به، وهو في الكبرٰى، ح:٤٦٥٨.

Comments:

In other words, one reason for prohibiting the current form of sharecropping of that period was that it was the cause of disputes; and Allâh's Messenger ﷺ highly detested disputes, and quarrels.

Chapter 46. Mentioning The Different Wordings With Regard To Sharecropping

(المعجم ٤٦) - ذِكْرُ اخْتِلَافِ الأَلْفَاظِ الْمَأْثُورَةِ فِي الْمُزَارَعَةِ (التحفة ٣)

Comments:

The above-mentioned document would be operational in the event when it has been decided or agreed upon that the seed and the expenses shall be provided by the owner of the land; and it is determinately specified that the total produce shall be divided between the partners in the ratio of 1:3.

3960. Ibn 'Awn said: "Muḥammad used to say: 'In my view land is like the wealth put into a *Muḍârabah* (limited partnership) contract. Whatever is valid with regard to the wealth put into a *Muḍârabah* partnership, is valid with regard to land, and whatever is not valid with regard to the wealth put into a *Muḍârabah* partnership, then it is not valid with regard to land.'" He said: "He did not see anything wrong with giving all of his land to the plowman on the basis that he would work with it himself, or with his children, and helpers, and oxen, and, that he would not spend anything on it; all expenses were to be paid by the owner of the land." (*Ṣaḥîḥ*)

٣٩٦٠ - أَخْبَرَنَا عَمْرُو بْنُ زُرَارَةَ قَالَ: أَخْبَرَنَا إِسْمَاعِيلُ قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ قَالَ: كَانَ مُحَمَّدٌ يَقُولُ: الْأَرْضُ عِنْدِي مِثْلُ مَالِ الْمُضَارَبَةِ، فَمَا صَلُحَ فِي مَالِ الْمُضَارَبَةِ صَلُحَ فِي الْأَرْضِ، وَمَا لَمْ يَصْلُحْ فِي مَالِ الْمُضَارَبَةِ لَمْ يَصْلُحْ فِي الْأَرْضِ، قَالَ: وَكَانَ لَا يَرَى بَأْسًا أَنْ يَدْفَعَ أَرْضَهُ كُلَّهَا إِلَى الْأَكَّارِ، عَلَى أَنْ يَعْمَلَ فِيهَا بِنَفْسِهِ وَوَلَدِهِ وَأَعْوَانِهِ وَبَقَرِهِ، وَلَا يُنْفِقَ شَيْئًا، وَتَكُونَ النَّفَقَةُ كُلُّهَا مِن رَبِّ الْأَرْضِ.

تخريج: [إسناده صحيح] وهو في الكبرى، ح:٢٦٦٢.

3961. It was narrated from Ibn 'Umar that the Prophet ﷺ gave the datepalms of Khaibar and their land to the Jews of Khaibar, on condition that they would take care of them at their expense, and the Messenger of Allâh ﷺ would have half of whatever they produced. (*Ṣaḥîḥ*)

٣٩٦١ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا اللَّيْثُ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ - يَعْنِي ابنَ غَنَجٍ - عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ دَفَعَ إِلَى يَهُودِ خَيْبَرَ نَخْلَ خَيْبَرَ وَأَرْضَهَا عَلَى أَنْ يَعْمَلُوهَا مِنْ أَمْوَالِهِمْ، وَأَنَّ لِرَسُولِ اللهِ ﷺ شَطْرَ مَا يَخْرُجُ مِنْهَا.

تخريج: أخرجه مسلم، المساقاة، باب المساقاة والمعاملة بجزء من الثمر والزرع، ح:١٥٥١/ ٥ من حديث الليث بن سعد به، وهو في الكبرى، ح:٤٦٦٣.

3962. It was narrated from Ibn 'Umar that the Prophet ﷺ gave the datepalms of Khaibar and their land to the Jews of Khaibar on condition that they would take care of them at their expense, and the Messenger of Allâh ﷺ would have half of their fruits. (*Ṣaḥîḥ*)

٣٩٦٢ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ ابْنِ عَبْدِ الْحَكَمِ قَالَ: حَدَّثَنَا شُعَيْبُ بْنُ اللَّيْثِ قَالَ: حَدَّثَنَا أَبِي عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ، عنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ دَفَعَ إِلَى يَهُودِ خَيْبَرَ نَخْلَ خَيْبَرَ وَأَرْضَهَا عَلَى أَنْ يَعْمَلُوهَا مِنْ أَمْوَالِهِمْ، وَأَنَّ لِرَسُولِ اللهِ ﷺ شَطْرَ ثَمَرَتِهَا.

تخريج: [صحيح] انظر الحديث السابق، وهو في الكبرى، ح:٤٦٦٤ ※ محمد بن عبدالرحمٰن هو ابن غنج.

Comments:

Entrusting of the date-palms or any other fruit tree to some person on the condition that he would take it upon himself to water them, look after the trees, or manage and culture them, and when they give fruit, he would get half of their produce (or any other determinately specified portion). Such an arrangement is called *Musâqât* in the Arabic language.

3963. It was narrated from Nâfi' that 'Abdullâh bin 'Umar used to say: "Arable land used to be leased out at the time of the Messenger of Allâh ﷺ on condition that the owner of the land would have whatever grew on the banks of the streams and a share of straw, I do not know how much it was." (*Ṣaḥîḥ*)

٣٩٦٣ - أَخْبَرَنَا عَبْدُ الرَّحْمٰنِ بْنُ عَبْدِ اللهِ ابْنِ عَبْدِ الْحَكَمِ قَالَ: حَدَّثَنَا شُعَيْبُ بْنُ اللَّيْثِ عَنْ أَبِيهِ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ نَافِعٍ: أَنَّ عَبْدَ اللهِ بْنَ عُمَرَ كَانَ يَقُولُ: كَانَتِ الْمَزَارِعُ تُكْرَى عَلَى عَهْدِ رَسُولِ اللهِ ﷺ عَلَى أَنَّ لِرَبِّ الْأَرْضِ مَا عَلَى رَبِيعِ السَّاقِي مِنَ

الزَّرْعِ وَطَائِفَةً مِنَ التِّبْنِ لَا أَدْرِي كَمْ هُوَ.

تخريج: [**إسناده صحيح**] وهو في الكبرٰى، ح:٤٦٦٥، انظر الحديث السابق، وسيأتي طرفه، ح:٤٦١١.

3964. It was narrated that 'Abdur-Raḥmân bin Al-Aswad said: "Two of my paternal uncles used to cultivate (land) in return for one-third or one-quarter of the crop, and my father was their partner. 'Alqamah and Al-Aswad knew about that and did not change anything." (*Ḍa'îf*)

٣٩٦٤ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا شَرِيكٌ عَنْ أَبِي إِسْحَاقَ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ الْأَسْوَدِ قَالَ: كَانَ عَمَّايَ، يَزْرَعَانِ بِالثُّلُثِ وَالرُّبُعِ وَأَبِي شَرِيكَهُمَا، وَعَلْقَمَةُ وَالْأَسْوَدُ يَعْلَمَانِ فَلَا يُغَيِّرَانِ.

تخريج: [**إسناده ضعيف**] وهو في الكبرٰى، ح:٤٦٦٦، أبو إسحاق تقدم، ح:٩٦، وشريك تقدم، ح:١٠٩٠ عنعنا.

Comments:

The objective is to demonstrate that sharecropping was common among the *Tabi'in* - the followers of the Companions of the Prophet.

3965. Sa'eed bin Jubair said: "Ibn 'Abbâs said: 'The best thing you can do is for one of you to rent his land out in return for gold and silver.'" (*Ṣaḥîḥ*)

٣٩٦٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا الْمُعْتَمِرُ قَالَ: سَمِعْتُ مَعْمَرًا عَنْ عَبْدِ الْكَرِيمِ الْجَزَرِيِّ قَالَ: قَالَ سَعِيدُ بْنُ جُبَيْرٍ قَالَ ابْنُ عَبَّاسٍ: إِنَّ خَيْرَ مَا أَنْتُمْ صَانِعُونَ، أَنْ يُؤَاجِرَ أَحَدُكُمْ أَرْضَهُ بِالذَّهَبِ وَالْوَرِقِ.

تخريج: [**إسناده صحيح**] وهو في الكبرٰى، ح:٤٦٦٧.

3966. It was narrated from Ibrâhîm and Sa'eed bin Jubair that they did not to see anything wrong with renting uncultivated land. (*Ṣaḥîḥ*)

٣٩٦٦ - أَخْبَرَنَا قُتَيْبَةُ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ وَسَعِيدِ بْنِ جُبَيْرٍ: أَنَّهُمَا كَانَا لَا يَرَيَانِ بَأْسًا بِاسْتِئْجَارِ الْأَرْضِ الْبَيْضَاءِ.

تخريج: [**إسناده صحيح**] وهو في الكبرٰى، ح:٤٦٦٩.

3967. It was narrated that Muḥammad said: "I do not know that Shuraiḥ ever ruled on

٣٩٦٧ - أَخْبَرَنَا عَمْرُو بْنُ زُرَارَةَ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ قَالَ:

Muḍârabah disputes except in two ways. He would say to the *Muḍârib* (the one who contributed his labor to the partnership): 'You must provide proof that a calamity befell you so that you may be excused.' Or he would say to the one who invested his money in the partnership: 'You must provide proof that your trustee betrayed his trust, otherwise his oath sworn by Allâh that he did not betray you is sufficient.'" (***Ṣaḥîḥ***)

لَمْ أَعْلَمْ شُرَيْحًا كانَ يَقْضِي فِي الْمُضَارِبِ إِلَّا بِقَضَاءَيْنِ، كَانَ رُبَّما قَالَ لِلْمُضَارِبِ: بَيِّنَتَكَ عَلَى مُصِيبَةٍ تُعْذَرُ بِهَا، وَرُبَّما قَالَ لِصَاحِبِ الْمَالِ: بَيِّنَتَكَ أَنَّ أَمِينَكَ خَائِنٌ، هُوَ وَإِلَّا فَيَمِينُهُ بِاللَّهِ مَا خَانَكَ.

تخريج: [إسناده صحيح] وهو في الكبرٰى، ح: ٤٦٧٠.

Comments:

When a person gives a sum of money to another to do business on condition that the gain should be between them two; this is called *Mudâraba*. The giver of the sum of money is the owner of the property, and the taker is called the *Mudârib* or the one who is employed by another in trade for him with his (the latter's) property. Now, if the *Mudârib* informs the owner of the property that the complete principal wealth or a part of it is stolen or lost, what verdict would be given? The following narrations discuss that.

3968. It was narrated that Sa'eed bin Al-Musayyab said: "There is nothing wrong with renting uncultivated land for gold and silver." (***Ḍa'îf***)

He (An-Nasâ'î) said: "If a man gives money to another in a *Muḍârabah* partnership, and he wants to write a contract concerning that, he should write:

'This is contract written by so and so the son of so and so, with no compulsion, while he is still in good health and in full control of his wealth; (addressed to) so-and-so the son of so and so, stating that you have given to me, at the beginning of such-and-such month, in such and such year, ten thousand *Dirhams*, non-counterfeit, and

٣٩٦٨ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: حَدَّثَنَا شَرِيكٌ عَنْ طَارِقٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ قَالَ: لَا بَأْسَ بِإِجَارَةِ الْأَرْضِ الْبَيْضَاءِ بِالذَّهَبِ وَالْفِضَّةِ،

وَقَالَ: إِذَا دَفَعَ رَجُلٌ إِلَى رَجُلٍ مَالًا قِرَاضًا، فَأَرَادَ أَنْ يَكْتُبَ عَلَيْهِ بِذٰلِكَ كِتَابًا، كَتَبَ: هٰذَا كِتَابٌ كَتَبَهُ فُلَانُ بْنُ فُلَانٍ طَوْعًا مِنْهُ فِي صِحَّةٍ مِنْهُ وَجَوَازِ أَمْرِهِ لِفُلَانِ بْنِ فُلَانٍ، أَنَّكَ دَفَعْتَ إِلَيَّ مُسْتَهَلَّ شَهْرِ كَذَا مِنْ سَنَةِ كَذَا عَشْرَةَ آلَافِ دِرْهَمٍ وُضْحًا جِيَادًا وَزْنَ سَبْعَةٍ قِرَاضًا، عَلَى تَقْوَى اللهِ فِي السِّرِّ وَالْعَلَانِيَةِ وَأَدَاءِ الْأَمَانَةِ، عَلَى أَنْ أَشْتَرِيَ بِهَا مَا شِئْتُ مِنْها كُلَّ مَا أَرَى أَنْ أَشْتَرِيَهُ، وَأَنْ

weighing seven *Qirâḍ* as an investment in a *Muḍârabah* partnership, on the basis of fear of Allâh in secret and in public, and on the basis of honesty. I will buy with it whatever I want and as I see fit to buy, and I will dispose of it and whatever I want of it as I see fit in all kinds of trade. I will dispose of whatever I want to whenever I want to and I will sell whatever I see fit of the goods I have bought for cash or on credit. I will do all of that at my discretion and will delegate that to whomever I see fit. All bounty and profits that Allâh bestows on that after the capital that you have paid – as described – to me, the amount of which is stated in this contract, will be shared half and half between you and I. You will have half in return for your capital and I will have half in return for my work. Any losses incurred will be borne by the capital. I have taken this ten thousand, non-counterfeit, from you at the beginning of such and such month in the year such and such, and it is a *Muḍârabah* investment, based on the conditions stipulated in this contract. Signed by so and so, and so and so.' If he wanted to give him free rein to buy and sell on credit, he would have written that, but you told me not to buy and sell on credit."

أُصَرِّفَهَا وَمَا شِئْتُ مِنْهَا فِيمَا أَرَى أَنْ أُصَرِّفَهَا فِيهِ مِنْ صُنُوفِ التِّجارَاتِ، وَأَخْرُجَ بِمَا شِئْتُ مِنْها حَيْثُ شِئْتُ، وَأَبِيعَ مَا أَرَى أَنْ أَبِيعَهُ مِمَّا اشْتَرِيهِ بِنَقْدٍ رَأَيْتُ أَمْ بِنَسِيئَةٍ وَبِعَيْنٍ رَأَيْتُ أَمْ بِعَرْضٍ، عَلَى أَنْ أَعْمَلَ فِي جَمِيعِ ذٰلِكَ كُلِّهِ بِرَأْيِي، وَأُوَكِّلَ فِي ذٰلكَ مَنْ رَأَيْتُ، وَكُلُّ مَا رَزَقَ اللهُ فِي ذٰلِكَ مِنْ فَضْلٍ وَرِبْحٍ بَعْدَ رَأْسِ الْمَالِ الَّذِي دَفَعْتَهُ - الْمَذْكُورِ - إِلَيَّ، الْمُسَمَّى مَبْلَغُهُ فِي هٰذَا الْكِتَابِ، فَهُوَ بَيْنِي وَبَيْنَكَ نِصْفَيْنِ، لَكَ مِنْهُ النِّصْفُ بِحَظِّ رَأْسِ مَالِكَ وَلِيَ فِيهِ النِّصْفُ تَامًّا بِعَمَلِي فِيهِ، وَمَا كَانَ فِيهِ مِنْ وَضِيعَةٍ فَعَلَى رَأْسِ الْمَالِ، فَقَبَضْتُ مِنْكَ هٰذِهِ الْعَشَرَةَ آلَافِ دِرْهَمٍ الْوُضَحَ الْجِيَادَ مُسْتَهَلَّ شَهْرِ كَذَا فِي سَنَةِ كَذَا، وَصَارَتْ لَكَ فِي يَدِي قِرَاضًا عَلَى الشُّرُوطِ الْمُشْتَرَطَةِ فِي هٰذَا الْكِتَابِ. أَقَرَّ فُلَانٌ وَفُلَانٌ وَإِذَا أَرَادَ أَنْ يُطْلِقَ لَهُ أَنْ يَشْتَرِيَ وَيَبِيعَ بِالنَّسِيئَةِ كَتَبَ، وَقَدْ نَهَيْتَنِي أَنْ أَشْتَرِيَ وَأَبِيعَ بِالنَّسِيئَةِ.

تخريج: [إسناده ضعيف] شريك القاضي تقدم، ح:١٠٩٠ ❊ وطارق هو ابن عبدالرحمٰن الأحمسي، وهو حسن الحديث.

Comments:

Since sharecropping is deeply connected with financing a profit-sharing venture, and both are similar or identical, financing profit-sharing was mentioned along with sharecropping.

Chapter... The *'Anân* Partnership Between Three Persons

This is a partnership between so and so, and so and so, and so and so, who are in good health, and in full control of their wealth, having formed a partnership with thirty thousand *Dirhams*, non-counterfeit and weighing seven, each one of them contributing ten thousand *Dirhams* which they have put together and combined, so that they are now held in common between them on the basis of three equal shares, on the condition that they will work on the basis of fear of Allâh and of honesty, each one of them fulfilling the trust toward each of the others. They will all buy whatever they see fit with it, cash or credit, whatever they see fit of different goods. Each one of them may buy on his own without consulting his companions, whatever he sees fit to buy with cash, he may do so, and whatever he sees fit to buy on credit, he may do so. They may work together, or each may work independently of his partners as he sees fit. All of that is binding on them individually, and on the two others, with regard to decisions taken collectively, or individually. Whatever commitment any of them makes, whether small or great, it is

(المعجم...) - شِرْكَةُ عَنَانٍ بَيْنَ ثَلَاثَةٍ

(التحفة ٤)

هٰذَا مَا اشْتَرَكَ عَلَيْهِ فُلَانٌ وَفُلَانٌ وَفُلَانٌ فِي صِحَّةٍ عُقُولِهِمْ وَجَوَازِ أَمْرِهِم، اشْتَرَكُوا شَرِكَةَ عَنَانٍ لَا شَرِكَةَ مُفَاوَضَةٍ بَيْنَهُمْ، فِي ثَلَاثِينَ أَلْفَ دِرْهَمٍ وُضْحًا جِيَادًا وَزْنَ سَبْعَةٍ، لِكُلِّ وَاحِدٍ مِنْهُمْ عَشَرَةُ آلَافِ دِرْهَمٍ، خَلَطُوهَا جَمِيعًا فَصَارَتْ هٰذِهِ الثَّلَاثِينَ أَلْفَ دِرْهَمٍ فِي أَيْدِيهِمْ مَخْلُوطَةً بِشَرِكَةٍ بَيْنَهُمْ أَثْلَاثًا، عَلَى أَنْ يَعْمَلُوا فِيهِ بِتَقْوَى اللهِ وَأَدَاءِ الْأَمَانَةِ مِنْ كُلِّ وَاحِدٍ مِنْهُمْ إِلَى كُلِّ وَاحِدٍ مِنْهُمْ، وَيَشْتَرُونَ جَمِيعًا بِذٰلِكَ وَبِمَا رَأَوْا مِنْهُ اشْتِرَاءَهُ بِالنَّقْدِ، وَيَشْتَرُونَ بِالنَّسِيئَةِ عَلَيْهِ مَا رَأَوْا أَنْ يَشْتَرُوا مِنْ أَنْوَاعِ التِّجَارَاتِ، وَأَنْ يَشْتَرِيَ كُلُّ وَاحِدٍ مِنْهُمْ عَلَى حِدَتِهِ دُونَ صَاحِبِهِ بِذٰلِكَ، وبِمَا رَأَى مِنْهُ مَا رَأَى اشْتِرَاءَهُ مِنْهُ بِالنَّقْدِ وَبِمَا رَأَى اشْتِرَاءَهُ عَلَيْهِ بِالنَّسِيئَةِ، يَعْمَلُونَ فِي ذٰلِكَ كُلِّهِ مُجْتَمِعِينَ بِمَا رَأَوْا، وَيَعْمَلُ كُلُّ وَاحِدٍ مِنْهُمْ مُنْفَرِدًا بِهِ دُونَ صَاحِبِهِ بِمَا رَأَى، جَائِزٌ لِكُلِّ وَاحِدٍ مِنْهُمْ فِي ذٰلِكَ كُلِّهِ عَلَى نَفْسِهِ وَعَلَى كُلِّ وَاحِدٍ مِنْ صَاحِبَيْهِ، فِيمَا اجْتَمَعُوا عَلَيْهِ وَفِيمَا انْفَرَدُوا بِهِ مِنْ ذٰلِكَ كُلُّ وَاحِدٍ مِنْهُمْ دُونَ الْآخَرِينِ، فَمَا لَزِمَ كُلَّ وَاحِدٍ مِنْهُمْ فِي

binding on each of the other partners, and is binding on all of them. All bounty and profits that Allâh bestows over the capital amount, which is stated in this contract, is to be divided into three equal parts. Any loss is to be borne by all three partners proportionate to their capital investment. Three identical copies of this document have been made, and one given to each of the three partners. Signed by so and so, so and so and so and so.

ذٰلِكَ مِنْ قَلِيلٍ وَمِنْ كَثِيرٍ فَهُوَ لَازِمٌ لِكُلِّ وَاحِدٍ مِنْ صَاحِبَيْهِ، وَهُوَ وَاجِبٌ عَلَيْهِمْ جَمِيعًا، وَمَا رَزَقَ اللهُ فِي ذٰلِكَ مِنْ فَضْلٍ وَرِبْحٍ عَلَى رَأْسِ مَالِهِمُ الْمُسَمَّى مَبْلَغُهُ فِي هٰذَا الْكِتَابِ، فَهُوَ بَيْنَهُمْ أَثْلَاثًا، وَمَا كَانَ فِي ذٰلِكَ مِنْ وَضِيعَةٍ وَتَبِعَةٍ فَهُوَ عَلَيْهِمْ أَثْلَاثًا عَلَى قَدْرِ رَأْسِ مَالِهِمْ، وَقَدْ كُتِبَ هٰذَا الْكِتَابُ ثَلَاثَ نُسَخٍ مُتَسَاوِيَاتٍ بِأَلْفَاظٍ وَاحِدَةٍ، فِي يَدِ كُلِّ وَاحِدٍ مِنْ فُلَانٍ وَفُلَانٍ وَفُلَانٍ وَاحِدَةٌ وَثِيقَةٌ لَهُ، أَقَرَّ فُلَانٌ وَفُلَانٌ وَفُلَانٌ.

Chapter... A Proxy Partnership Between Four Persons According To Those Who Permit It

(المعجم . . .) - شِرْكَةُ مُفَاوَضَةٍ بَيْنَ أَرْبَعَةٍ عَلَى مَذْهَبِ مَنْ يُجِيزُهَا (التحفة ٥)

Allâh says: O you who believe! Fulfill (your) obligations.[1] This is a partnership formed between so and so, so and so, so and so and so and so, based on capital which they have collected of one type, and currency, and have combined it, so that it is now mixed, and none of them can tell which is his money. The share and rights of each partner are equal, and they will use this money for trade, whether buying or selling, for cash, or on credit, in all transactions, making decisions collectively or individually, each working independently of the others based on his own opinion, and what he

قَالَ اللهُ تَبَارَكَ وَتَعَالَى: ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓا۟ أَوْفُوا۟ بِٱلْعُقُودِ﴾ [المائدة: ١] هٰذَا مَا اشْتَرَكَ عَلَيْهِ فُلَانٌ وَفُلَانٌ وَفُلَانٌ وَفُلَانٌ بَيْنَهُمْ شَرِكَةَ مُفَاوَضَةٍ فِي رَأْسِ مَالٍ جَمَعُوهُ بَيْنَهُمْ مِنْ صِنْفٍ وَاحِدٍ وَنَقْدٍ وَاحِدٍ، وَخَلَطُوهُ وَصَارَ فِي أَيْدِيهِمْ مُمْتَزِجًا لَا يُعْرَفُ بَعْضُهُ مِنْ بَعْضٍ، وَمَالُ كُلِّ وَاحِدٍ مِنْهُمْ فِي ذٰلِكَ وَحَقُّهُ سَوَاءٌ، عَلَى أَنْ يَعْمَلُوا فِي ذٰلِكَ كُلِّهِ وَفِي كُلِّ قَلِيلٍ وَكَثِيرٍ، سِوَاهُ مِنَ الْمُبَايَعَاتِ وَالْمُتَاجَرَاتِ نَقْدًا وَنَسِيئَةً بَيْعًا وَشِرَاءً، فِي جَمِيعِ الْمُعَامَلَاتِ وَفِي كُلِّ مَا يَتَعَاطَاهُ النَّاسُ بَيْنَهُمْ مُجْتَمِعِينَ بِمَا رَأَوْا، وَيَعْمَلَ كُلُّ وَاحِدٍ

[1] *Al-Mâ'idah* 5:1.

مِنْهُمْ عَلَى انْفِرَادِهِ بِكُلِّ مَا رَأَى وَكُلِّ مَا بَدَا لَهُ جَائِزٌ أَمْرُهُ فِي ذٰلِكَ عَلَى كُلِّ وَاحِدٍ مِنْ أَصْحَابِهِ، وَعَلَى أَنَّهُ كُلُّ مَا لَزِمَ كُلَّ وَاحِدٍ مِنْهُمْ عَلَى هٰذِهِ الشَّرِكَةِ الْمَوْصُوفَةِ فِي هٰذَا الْكِتَابِ مِنْ حَقٍّ وَمِنْ دَيْنٍ، فَهُوَ لَازِمٌ لِكُلِّ وَاحِدٍ مِنْهُمْ مِنْ أَصْحَابِهِ الْمُسَمَّيْنَ مَعَهُ فِي هٰذَا الْكِتَابِ، وَعَلَى أَنَّ جَمِيعَ مَا رَزَقَهُمُ اللهُ فِي هٰذِهِ الشَّرِكَةِ الْمُسَمَّاةِ فِيهِ، وَمَا رَزَقَ اللهُ كُلَّ وَاحِدٍ مِنْهُمْ فِيهَا عَلَى حِدَتِهِ مِنْ فَضْلٍ وَرِبْحٍ، فَهُوَ بَيْنَهُمْ جَمِيعًا بِالسَّوِيَّةِ، وَمَا كَانَ فِيهَا مِنْ نَقِيصَةٍ فَهُوَ عَلَيْهِمْ جَمِيعًا بِالسَّوِيَّةِ بَيْنَهُمْ، وَقَدْ جَعَلَ كُلُّ وَاحِدٍ مِنْ فُلَانٍ وَفُلَانٍ وَفُلَانٍ وَفُلَانٍ كُلَّ وَاحِدٍ مِنْ أَصْحَابِهِ الْمُسَمَّيْنَ فِي هٰذَا الْكِتَابِ مَعَهُ وَكِيلَهُ فِي الْمُطَالَبَةِ بِكُلِّ حَقٍّ هُوَ لَهُ وَالْمُخَاصَمَةِ فِيهِ وَقَبْضِهِ، وَفِي خُصُومَةِ كُلِّ مَنِ اعْتَرَضَهُ بِخُصُومَةٍ وَكُلِّ مَنْ يُطَالِبُهُ بِحَقٍّ وَجَعَلَهُ وَصِيَّهُ فِي شَرِكَتِهِ مِنْ بَعْدِ وَفَاتِهِ وَفِي قَضَاءِ دُيُونِهِ وَإِنْفَاذِ وَصَايَاهُ وَقَبِلَ كُلُّ وَاحِدٍ مِنْهُمْ مِنْ كُلِّ وَاحِدٍ مِنْ أَصْحَابِهِ مَا جَعَلَ إِلَيْهِ مِنْ ذٰلِكَ كُلِّهِ، أَقَرَّ فُلَانٌ وَفُلَانٌ وَفُلَانٌ وَفُلَانٌ.

sees fit. Whatever commitment or loan any one of the persons mentioned in this contract makes, then it is binding on each of his companions mentioned in this contract. All bounty and profits that Allâh bestows over the capital amount, which is stated in this contract, is to be divided equally between all four. Any loss is to be borne equally by each of them. Each of the four persons mentioned in this contract appoints the others as his deputy (*Wakîl*) who may demand every right, and debt, and deal with every dispute, concerning this contract, to dispute on behalf of the others with anyone who is disputing with them, or seek their dues. And each of them makes the others his executor (to act on his behalf after he dies), pay off his debts, and carry out the instructions in his will. Signed by so and so, so and so, so and so and so and so.

Comments:

If a few individuals trade together, it is called partnership. The majority *Fuqha* have shown partnership to be of four kinds:

1) Cooperative partnership;
2) Comprehensive partnership;
3) Craftsmanship, Manufacturing or handicraft partnership;
4) Well-known partner partnership (*Sharika Al-Wujûh*)

The discussion here pertains to cooperative partnership, in which every partner happens to be the authorized representative of the other, not the

sponsor. There is leeway or flexibility in this form of partnership. It is not necessary that two shares of capital put up by the partners be equal in amount, they could be more or less. In the same way, equality is not essential in manufacturing partnership; irrespective of whether the wealth or the capital is equal. Likewise, there could be equalization in manufacturing or handicraft, even if the capital is not equal. One might have contributed dinars and the other dirhams. The rest of the details are given in the above-mentioned document. It should, however, be borne in mind that partnership could exist between the two individuals, and the mention of three in the afore-mentioned document is incidental.

2. Comprehensive partnership (*Sharika Al-Mufâwada*) whose detail appears in the forthcoming document. This partnership is distinct from the cooperative partnership. In it, each partner happens to be the other's authorized representative and sponsor too, by which the partners share whatever they earn from their respective separate principal funds and labor; mutually covering the debts or financial liabilities incurred by either. The document makes mention of four partners, but this partnership could be struck between two partners also.

Chapter 47. Labor Partnership (*Abdân*)

(المعجم ٤٧) - بَابُ شَرِكَةِ الأَبْدَانِ (التحفة ٦)

Comments:

The overall or summary definition of the comprehensive partnership (*Sharika Al-Mufâwada*) has already been spelled out under the previous *Hadîth*, but its detail has been explained in this document.

3969. It was narrated that 'Abdullâh said: "I formed a partnership with 'Ammâr and Sa'd on the day of Badr. Sa'd brought two prisoners but 'Ammâr and I did not bring anything." (*Da'îf*)

٣٩٦٩ - أَخْبَرَنَا عَمْرُو بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ سُفْيَانَ قَالَ: حَدَّثَنِي أَبُو إِسْحَاقَ عَنْ أَبِي عُبَيْدَةَ، عَنْ عَبْدِ اللهِ قَالَ: اشْتَرَكْتُ أَنَا وَعَمَّارٌ وَسَعْدٌ يَوْمَ بَدْرٍ فَجَاءَ سَعْدٌ بِأَسِيرَيْنِ وَلَمْ أَجِيءْ أَنَا وَلَا عَمَّارٌ بِشَيْءٍ.

تخريج: [إسناده ضعيف] أخرجه أبو داود، البيوع، باب: في الشركة على غير رأس مال، ح:٣٣٨٨ من حديث يحيى بن سعيد القطان به * أبوعبيدة لم يدرك أباه كما تقدم، ح:٦٢٣، وفيه علة أخرى.

Comments:

This form of partnership (*Sharika Al-Abdân* or manual partnership) is called manufacturing or handicraft or workmanship's partnership, which means two persons (or more) agree to work together on a particular job or venture, and

distribute its gain equally among themselves, although it is possible that one partner might work more on the project, while the other less.

3970. It was narrated from Az-Zuhrî concerning two slaves who were partners, and one of them quit, that he said: "One of them may cover for the other if they were partners." (*Sahîh*)

٣٩٧٠ - أَخْبَرَنَا عَلِيُّ بْنُ حُجْرٍ قَالَ: أَخْبَرَنَا ابْنُ الْمُبَارَكِ عَنْ يُونُسَ عَنِ الزُّهْرِيِّ: فِي عَبْدَيْنِ مُتَفَاوِضَيْنِ كَاتَبَ أَحَدُهُمَا قَالَ: جَائِزٌ إِذَا كَانَا مُتَفَاوِضَيْنِ يَقْضِي أَحَدُهُمَا عَنِ الْآخَرِ.

تخريج: [إسناده صحيح] انفرد به النسائي.

Comments:

In the comprehensive partnership (*Sharikat Al-Mufâwada*), two partners share their entire wealth, benefits, and profits. They are each other's authorized representative and sponsors, to the extent that one's financial liability could be demanded of the other. In this situation, therefore, if one specifies one's price of emancipation from his master, the other would also cooperate with him and share his burden.

Chapter... Partners Dissolving A Partnership

(المعجم...) - تَفَرُّقُ الشُّرَكَاءِ عَنْ شِرْكَتِهِمْ (التحفة ٧)

This is a contract drawn up by so and so, so and so, so and so and so and so, and signed by each one of them, and each of his companions mentioned alongside him in this contract, who are in good health, and in full control of their wealth. There has taken place among us, dealing and trading, buying and selling, sharing of wealth and different types of dealing, loans, trusts, partnerships, debts, leases and sharecropping. We are dissolving the partnership by mutual consent and are content with all that we did. All that was between us of partnership and dealing has to do with money and wealth and we have settled all of that in all types of dealings. We have explained all of that in every

هٰذَا كِتَابٌ كَتَبَهُ فُلَانٌ وَفُلَانٌ وَفُلَانٌ وَفُلَانٌ بَيْنَهُمْ وَأَقَرَّ كُلُّ وَاحِدٍ مِنْهُمْ لِكُلِّ وَاحِدٍ مِنْ أَصْحَابِهِ الْمُسَمَّيْنَ مَعَهُ فِي هٰذَا الْكِتَابِ، بِجَمِيعِ مَا فِيهِ فِي صِحَّةٍ مِنْهُ وَجَوَازِ أَمْرٍ، أَنَّهُ جَرَتْ بَيْنَنَا مُعَامَلَاتٌ وَمُتَاجَرَاتٌ وَأَشْرِيَةٌ وَبُيُوعٌ وَخُلْطَةٌ وَشَرِكَةٌ فِي أَمْوَالٍ وَفِي أَنْوَاعٍ مِنَ الْمُعَامَلَاتِ، وَقُرُوضٌ وَمُصَارَفَاتٌ وَوَدَائِعُ وَأَمَانَاتٌ وَسَفَاتِجُ وَمُضَارَبَاتٌ وَعَوَارِي وَدُيُونٌ وَمُؤَاجَرَاتٌ وَمُزَارَعَاتٌ وَمُؤَاكَرَاتٌ، وَإِنَّا تَنَاقَضْنَا عَلَى التَّرَاضِي مِنَّا جَمِيعًا بِمَا فَعَلْنَا، جَمِيعَ مَا كَانَ بَيْنَنَا مِنْ كُلِّ شَرِكَةٍ وَمِنْ كُلِّ مُخَالَطَةٍ كَانَتْ جَرَتْ بَيْنَنَا فِي نَوْعٍ مِنَ الْأَمْوَالِ وَالْمُعَامَلَاتِ، وَفَسَخْنَا ذٰلِكَ كُلَّهُ فِي

category. Each one of us has taken all his dues, and it is now in his possession. None of those named in this contract owes anything to any of the others, nor to anyone else connected to the others, because each one of us has taken all his dues, and it has come into his possession. Signed by So-and-so, So-and-so, so and so and so and so.

جَمِيعِ مَا جَرَى بَيْنَنَا فِي جَمِيعِ الْأَنْوَاعِ وَالْأَصْنَافِ، وَبَيَّنَّا ذٰلِكَ كُلَّهُ نَوْعًا نَوْعًا، وَعَلِمْنَا مَبْلَغَهُ وَمُنْتَهَاهُ، وَعَرَفْنَاهُ عَلَى حَقِّهِ وَصِدْقِهِ، فَاسْتَوْفَى كُلُّ وَاحِدٍ مِنَّا جَمِيعَ حَقِّهِ مِنْ ذٰلِكَ أَجْمَعَ وَصَارَ فِي يَدِهِ، فَلَمْ يَبْقَ لِكُلِّ وَاحِدٍ مِنَّا قِبَلَ كُلِّ وَاحِدٍ مِنْ أَصْحَابِهِ الْمُسَمِّينَ مَعَهُ فِي هٰذَا الْكِتَابِ، وَلَا قِبَلَ أَحَدٍ بِسَبَبِهِ وَلَا بِاسْمِهِ حَقٌّ وَلَا دَعْوَى وَلَا طِلْبَةٌ، لِأَنَّ كُلَّ وَاحِدٍ مِنَّا قَدِ اسْتَوْفَى جَمِيعَ حَقِّهِ وَجَمِيعَ مَا كَانَ لَهُ مِن جَمِيعِ ذٰلِكَ كُلِّهِ، وَصَارَ فِي يَدِهِ مُوَفَّرًا، أَقَرَّ فُلَانٌ وَفُلَانٌ وَفُلَانٌ وَفُلَانٌ.

Chapter... Separation Of The Married Couple

(المعجم...) - تَفَرُّقُ الزَّوْجَيْنِ عَنْ مُزَاوَجَتِهِمَا (التحفة ٨)

Allâh, Blessed and Most High, says: And it is not lawful for you (men) to take back (from your wives) any of your (bridal-money) which you have given them, except when both parties fear that they would be unable to keep the limits ordained by Allâh. Then if you fear that they would not be able to keep the limits ordained by Allâh, then there is no sin on either of them for what they give back.[1]

This writ was written by so and so, the daughter of so and so, who is in good health and in full control of her wealth, to so and so the son of so and so the son of so and so. I

قَالَ اللهُ تَبَارَكَ وَتَعَالَى: ﴿وَلَا يَحِلُّ لَكُمْ أَن تَأْخُذُوا۟ مِمَّآ ءَاتَيْتُمُوهُنَّ شَيْـًٔا إِلَّآ أَن يَخَافَآ أَلَّا يُقِيمَا حُدُودَ ٱللَّهِ ۖ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ ٱللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا ٱفْتَدَتْ بِهِۦ﴾ [البقرة: ٢٢٩].

هٰذَا كِتَابٌ كَتَبَتْهُ فُلَانَةُ بِنْتُ فُلَانِ بْنِ فُلَانٍ فِي صِحَّةٍ مِنْهَا وَجَوَازِ أَمْرٍ، لِفُلَانِ بْنِ فُلَانِ بْنِ فُلَانٍ، إِنِّي كُنْتُ زَوْجَةً لَكَ وَكُنْتَ دَخَلْتَ بِي فَأَفْضَيْتَ إِلَيَّ ثُمَّ إِنِّي كَرِهْتُ صُحْبَتَكَ وَأَحْبَبْتُ مُفَارَقَتَكَ عَنْ غَيْرِ إِضْرَارٍ مِنْكَ بِي وَلَا مَنْعِي لِحَقٍّ وَاجِبٍ لِي عَلَيْكَ، وَإِنِّي سَأَلْتُكَ عِنْدَ مَا خِفْنَا أَنْ لَا نُقِيمَ حُدُودَ اللهِ أَنْ

[1] *Al-Baqarah* 2:229.

was a wife to you, and you came in to me, and consummated the marriage with me. Then I did not like your company, and I wanted to leave you, without your having done any harm to me, nor having withheld any of my rights. I asked you, when we feared that we would not be able to keep the limits ordained by Allâh, to free me (Khul') and to divorce me irrevocably in return for all my *Ṣadâq* (*Mahr*) that is due from you to me, which is such-and-such a number of *Dînârs*, non-counterfeit, and such-and-such a number of *Dînârs*, non-counterfeit, that I gave you in addition to that, apart from my *Ṣadâq*. You did what I asked of you, and you gave me an irrevocable divorce in return for what was left of my *Ṣadâq*, as stated in this writ, and in return for the additional *Dînârs* as stated. I accepted that from you verbally when we were talking about it, and in response to what you said before we finished our discussion, and departed. I gave you all the *Dînârs* mentioned in this contract in return for which you granted me Khul', except for my *Ṣadâq*. Thus I became irrevocably divorced from you, and now I am in control of my own affairs, based on this Khul' which is described in this contract. Thus you have no control over me, you cannot make demands of me, and you cannot take me back. I have taken from you all that is due to a woman like me at the time of *'Iddah*, and I took all that I need in

تَخْلَعَنِي فَتُبِينَنِي مِنْكَ بِتَطْلِيقَةٍ بِجَمِيعِ مَا لِي عَلَيْكَ مِنْ صَدَاقِي، وَهُوَ كَذَا وَكَذَا دِينَارًا جِيَادًا مَثَاقِيلَ، وَبِكَذَا وَكَذَا دِينَارًا جِيَادًا مَثَاقِيلَ أَعْطَيْتُكَهَا عَلَى ذٰلِكَ سِوَى مَا فِي صَدَاقِي، فَفَعَلْتَ الَّذِي سَأَلْتُكَ مِنْهُ، فَطَلَّقْتَنِي تَطْلِيقَةً بَائِنَةً بِجَمِيعِ مَا كَانَ بَقِيَ لِي عَلَيْكَ مِنْ صَدَاقِي الْمُسَمَّى مَبْلَغُهُ فِي هٰذَا الْكِتَابِ، وَبِالدَّنَانِيرِ الْمُسَمَّاةِ فِيهِ سِوَى ذٰلِكَ، فَقَبِلْتُ ذٰلِكَ مِنْكَ مُشَافَهَةً لَكَ عِنْدَ مُخَاطَبَتِكَ إِيَّايَ بِهِ، وَمُجَاوَبَةً عَلَى قَوْلِكَ مِنْ قَبْلِ تَصَادُرِنَا عَنْ مَنْطِقِنَا ذٰلِكَ، وَدَفَعْتُ إِلَيْكَ جَمِيعَ هٰذِهِ الدَّنَانِيرِ الْمُسَمَّى مَبْلَغُهَا فِي هٰذَا الْكِتَابِ الَّذِي خَالَعْتَنِي عَلَيْهَا وَافِيَةً سِوَى مَا فِي صَدَاقِي، فَصِرْتُ بَائِنَةً مِنْكَ مَالِكَةً لِأَمْرِي بِهٰذَا الْخُلْعِ الْمَوْصُوفِ أَمْرُهُ فِي هٰذَا الْكِتَابِ، فَلَا سَبِيلَ لَكَ عَلَيَّ وَلَا مُطَالَبَةَ وَلَا رَجْعَةَ، وَقَدْ قَبَضْتُ مِنْكَ جَمِيعَ مَا يَجِبُ لِمِثْلِي مَا دُمْتُ فِي عِدَّةٍ مِنْكَ، وَجَمِيعَ مَا أَحْتَاجُ إِلَيْهِ بِتَمَامِ مَا يَجِبُ لِلْمُطَلَّقَةِ الَّتِي تَكُونُ فِي مِثْلِ حَالِي عَلَى زَوْجِهَا الَّذِي يَكُونُ فِي مِثْلِ حَالِكَ، فَلَمْ يَبْقَ لِكُلِّ وَاحِدٍ مِنَّا قِبَلَ صَاحِبِهِ حَقٌّ وَلَا دَعْوَى وَلَا طِلْبَةٌ، فَكُلُّ مَا ادَّعَى وَاحِدٌ مِنَّا قِبَلَ صَاحِبِهِ مِنْ حَقٍّ وَمِنْ دَعْوَى وَمِنْ طِلْبَةٍ بِوَجْهٍ مِنَ الْوُجُوهِ فَهُوَ فِي جَمِيعِ دَعْوَاهُ مُبْطِلٌ، وَصَاحِبُهُ مِنْ ذٰلِكَ أَجْمَعَ بَرِيءٌ، وَقَدْ قَبِلَ كُلُّ وَاحِدٍ مِنَّا كُلَّ مَا أَقَرَّ لَهُ بِهِ صَاحِبُهُ، وَكُلَّ مَا أَبْرَأَهُ مِنْهُ مِمَّا

full, which a woman like me would take from a husband like you. Neither of us has any further rights, nor claims over the other. If any one of use makes any claim on the other, this claim is totally and utterly false, and the one against whom the claim is made is innocent, and has nothing to do with this claim. Each one of us accepts everything that the other party offers, and all that the other party relieves him of, as described in the contract, verbally when we were talking about it, and before we spoke of anything, or parted from our meeting that took place. Signed by so and so (the wife) and so and so (the husband).

وُصِفَ فِي هٰذَا الْكِتَابِ، مُشَافَهَةً عِنْدَ مُخَاطَبَتِهِ إِيَّاهُ قَبْلَ تَصَادُرِنَا عَنْ مَنْطِقِنَا، وَافْتِرَاقِنَا عَنْ مَجْلِسِنَا الَّذِي جَرَى بَيْنَنَا فِيهِ، أَقَرَّتْ فُلَانَةُ وَفُلَانٌ

Comments:

According to the dominant majority of the people of knowledge, a husband cannot take anything away from his wife, except for the dower, in the event of *Khul'* as has been explicitly mentioned in the noble Verse of the Qur'ân.

Chapter 48. Contract Of Manumission

(المعجم ٤٨) - **الْكِتَابَةُ** (التحفة ٩)

Allâh, the Mighty and Sublime says: "And such of your slaves as seek a writing (of emancipation), give them such writing, if you find that there is good and honesty in them."[1]

This is a contract written by so and so the son of so and so, who is in good health and in full control of his wealth, to his Nubian slave who is called so and so, who at this time is in his possession and owned by him. I have agreed to manumit

قَالَ اللهُ عَزَّ وَجَلَّ: ﴿وَٱلَّذِينَ يَبْتَغُونَ ٱلْكِتَٰبَ مِمَّا مَلَكَتْ أَيْمَٰنُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا﴾ [النور: ٣٣]. هٰذَا كِتَابٌ كَتَبَهُ فُلَانُ ابْنُ فُلَانٍ فِي صِحَّةٍ مِنْهُ وَجَوَازِ أَمْرٍ، لِفَتَاهُ النُّوبِيِّ الَّذِي يُسَمَّى فُلَانًا وَهُوَ يَوْمَئِذٍ فِي مِلْكِهِ وَيَدِهِ، إِنِّي كَاتَبْتُكَ عَلَى ثَلَاثَةِ آلَافِ دِرْهَمٍ وُضْحٍ جِيَادٍ وَزْنِ سَبْعَةٍ مُنَجَّمَةٍ عَلَيْكَ سِتُّ سِنِينَ مُتَوَالِيَاتٍ أَوَّلُهَا مُسْتَهَلُّ شَهْرِ كَذَا مِنْ سَنَةِ كَذَا، عَلَى أَنْ تَدْفَعَ إِلَيَّ هٰذَا الْمَالَ

[1] *An-Nûr* 24:33.

you in return for three thousand *Dirhams*, non-counterfeit and weighing seven, to be paid in installments by you over six consecutive years, starting at the beginning of such and such month in such and such year. You will pay me the amount of money stated in this contract in installments, then you will be free in return for that, with the same rights and duties as all free men. If you default on any of these installments, this contract will be null and void, and you will remain a slave with no contract of manumission. I have accepted your contract of manumission based on the conditions stipulated in this contract before we finished talking, and departed from our meeting, which took place between us. Signed by So-and-so and So-and-so.

الْمُسَمَّى مَبْلَغُهُ فِي هٰذَا الْكِتَابِ فِي نُجُومِهَا، فَأَنْتَ حُرٌّ بِهَا، لَكَ مَا لِلْأَحْرَارِ وَعَلَيْكَ مَا عَلَيْهِمْ، فَإِنْ أَخْلَلْتَ شَيْئًا مِنْهُ عَنْ مَحِلِّهِ بَطَلَتِ الْكِتَابَةُ، وَكُنْتَ رَقِيقًا لَا كِتَابَةَ لَكَ، وَقَدْ قَبِلْتُ مُكَاتَبَتَكَ عَلَيْهِ عَلَى الشُّرُوطِ الْمَوْصُوفَةِ فِي هٰذَا الْكِتَابِ قَبْلَ تَصَادُرِنَا عَنْ مَنْطِقِنَا، وَافْتِرَاقِنَا عَنْ مَجْلِسِنَا الَّذِي جَرَى بَيْنَنَا ذٰلِكَ فِيهِ. أَقَرَّ فُلَانٌ وَفُلَانٌ.

Comments:

In many an issue of the Divine law, emancipation of slave has been made a part of expiation or *Kaffârah*. For a slave who is able to earn a living and is capable of paying for his freedom, it has been made incumbent upon his owner that he enters into a contract with him for his freedom. (The original term used in this context is *Kitâbat* (or *Mukâtabat*) which means 'a contract of a slave with his master' that he would pay a certain sum as a price for himself and on payment thereof, he would be free).

Chapter 49. *Tadbîr* (Leaving Instructions That One's Slave Be Freed After One's Death)

(المعجم ٤٩) - تَدْبِيرٌ (التحفة ١٠)

This is a contract written by so and so the son of so and so the son of so and so, to his Sicilian slave, the baker and cook, who is called so and so, and who at this time is in his possession and owned by him. I have arranged for your manumission following my death,

هٰذَا كِتَابٌ كَتَبَهُ فُلَانُ بْنُ فُلَانِ بْنِ فُلَانٍ لِفَتَاهُ الصَّقَلِّيِّ الْخَبَّازِ الطَّبَّاخِ الَّذِي يُسَمَّى فُلَانًا وَهُوَ يَوْمَئِذٍ فِي مِلْكِهِ وَيَدِهِ، إِنِّي دَبَّرْتُكَ لِوَجْهِ اللهِ عَزَّ وَجَلَّ وَرَجَاءِ ثَوَابِهِ، فَأَنْتَ حُرٌّ بَعْدَ مَوْتِي لَا سَبِيلَ لِأَحَدٍ عَلَيْكَ بَعْدَ وَفَاتِي

seeking thereby the Face of Allâh, the Mighty and Sublime, and hoping for His reward. You will be free after I die, and no one will have any control over you after I die, except by way of *Al-Walâ'* (loyalty of a freed slave to his former masters), which will be to me and my descendents after me. So-and-so the son of So-and-so affirms all that is mentioned in this contract, without compulsion, while in good health, and in full control of his wealth, after all of that was read to him in the presence of the witnesses named therein. He affirmed in their presence that he had heard it, and understood it, and called upon Allâh to bear witness to it, and Allâh is sufficient as a witness, then the witnesses who were present. So-and-so the Sicilian cook, who is sound in mind and body, affirmed that everything that is stated in this contract is true and correct according to the way it is written.

إِلَّا سَبِيلَ الْوَلَاءِ، فَإِنَّهُ لِي وَلِعَقِبِي مِنْ بَعْدِي، أَقَرَّ فُلَانُ بْنُ فُلَانٍ بِجَمِيعِ مَا فِي هٰذَا الْكِتَابِ طَوْعًا فِي صِحَّةٍ مِنْهُ وَجَوَازِ أَمْرٍ مِنْهُ، بَعْدَ أَنْ قُرِئَ ذٰلِكَ كُلُّهُ عَلَيْهِ بِمَحْضَرٍ مِنَ الشُّهُودِ الْمُسَمِّينَ فِيهِ، فَأَقَرَّ عِنْدَهُمْ أَنَّهُ قَدْ سَمِعَهُ وَفَهِمَهُ وَعَرَفَهُ وَأَشْهَدَ اللهَ عَلَيْهِ وَكَفَى بِاللّٰهِ شَهِيدًا، ثُمَّ مَنْ حَضَرَهُ مِنَ الشُّهُودِ عَلَيْهِ أَقَرَّ فُلَانٌ الصَّقَلِّيُّ الطَّبَّاخُ فِي صِحَّةٍ مِنْ عَقْلِهِ وَبَدَنِهِ أَنَّ جَمِيعَ مَا فِي هٰذَا الْكِتَابِ حَقٌّ عَلَى مَا سُمِّيَ وَوُصِفَ فِيهِ.

Comments:

'Mudabbar': The term *Mudabbar* signifies a slave made to be free, not yet but after his owner's death, to whom his master has said, 'You are free after my death,' whose emancipation has been made to depend on his master's death. No sooner does the owner die than the slave would become free.

Chapter 50. Manumission

(المعجم ٥٠) - عِتْقٌ (التحفة ١١)

This is a contract written by so and so the son of so and so, without compulsion, while he is in good health and in full control of his wealth, in such-and-such month of such and such year, to his Byzantine slave who is called so and so, who at this time is in his

هٰذَا كِتَابٌ كَتَبَهُ فُلَانُ بْنُ فُلَانٍ طَوْعًا فِي صِحَّةٍ مِنْهُ وَجَوَازِ أَمْرٍ، وَذٰلِكَ فِي شَهْرِ كَذَا مِنْ سَنَةِ كَذَا، لِفَتَاهُ الرُّومِيِّ الَّذِي يُسَمَّى فُلَانًا وَهُوَ يَوْمَئِذٍ فِي مِلْكِهِ وَيَدِهِ، إِنِّي أَعْتَقْتُكَ تَقَرُّبًا إِلَى اللهِ عَزَّ وَجَلَّ وَابْتِغَاءَ لِجَزِيلِ ثَوَابِهِ، عِتْقًا بَتًّا لَا

possession and owned by him. I have set you free as an act of worship, seeking thereby the great reward of Allâh, the Mighty and Sublime, granting you complete and definite freedom with no conditions and no right to take you back. You are free for the Face of Allâh, and the Hereafter, and neither I nor anyone else has any control over you, except by way of *Al-Walâ'* (loyalty of a freed slave to his former masters), which is to me and my descendents after me.

مَثْنَوِيَّةَ فِيهِ وَلَا رَجْعَةَ لِي عَلَيْكَ، فَأَنْتَ حُرٌّ لِوَجْهِ اللهِ وَالدَّارِ الْآخِرَةِ لَا سَبِيلَ لِي وَلَا لِأَحَدٍ عَلَيْكَ إِلَّا الْوَلَاءَ، فَإِنَّهُ لِي ولِعَصَبَتِي مِنْ بَعْدِي.

Comments:

1. 'Exemption' means no condition was stipulated. You are free unconditionally. Condition could also be called exemption.
2. The right of inheritance of a slave - *Al-Walâ'*: The right which an emancipator is vested with over his emancipated slave, after his emancipation, is called *Al Walâ*. It is a relationship. Any alteration in this relationship amounts to a major sin or an enormity.